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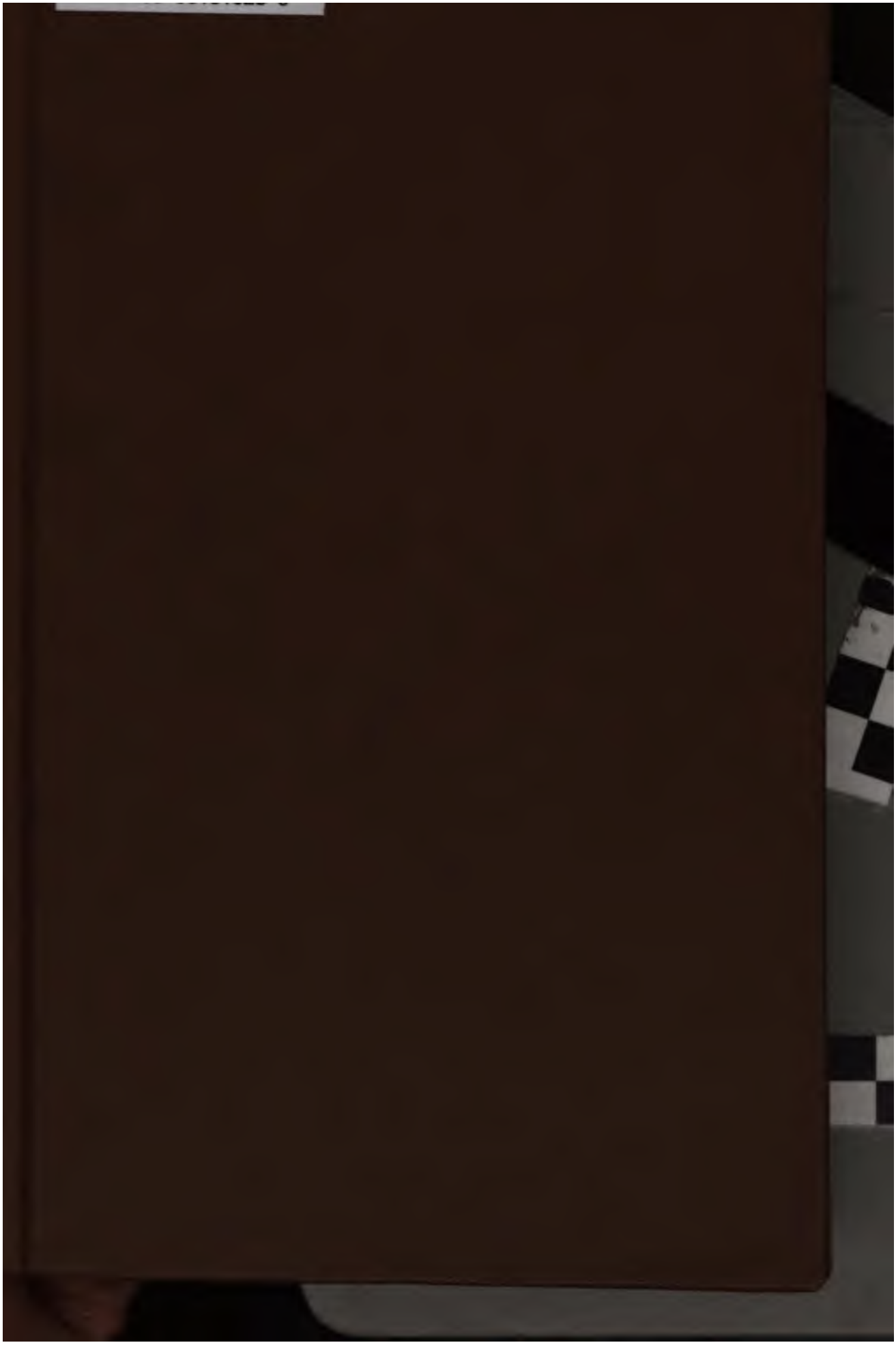

THE

PROSE WORKS

OF

JOHN MILTON;

12231

WITH

A LIFE OF THE AUTHOR,

INTERSPERSED WITH

TRANSLATIONS AND CRITICAL REMARKS,

BY

CHARLES SYMMONS, D.D.

OF JESUS COLLEGE, OXFORD.

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THE

DOCTRINE AND DISCIPLINE

OF

DIVORCE.

BOOK II.

CHAP. I.

The ordinance of ſabbath and marriage compared. Hyperbole no unfrequent figure in the goſpel. Exceſs cured by contrary exceſs. Chriſt neither did nor could abrogate the law of divorce, but only reprieve the abuſe thereof.

HITHERTO the poſition undertaken has been declared, and proved by a law of God, that law proved to be moral, and unabroliſhable, for many reaſons equal, honeſt, charitable, juſt, annexed thereto. It follows now, that thoſe places of ſcripture, which have a ſeeming to revoke the prudence of Moſes, or rather that merciful decree of God, be forthwith explained and reconciled. For what are all theſe reaſonings worth, will ſome reply, whenas the words of Chriſt are plainly againſt all divorce, "except in caſe of fornication?" to whom he whoſe mind were to anſwer no more but this, "except alſo in caſe of charity," might ſafely appeal to the more plain words of Chriſt in defence of ſo excepting. "Thou ſhalt do no manner of work," ſaith the commandment of the ſabbath. Yes, ſaith Chriſt, works of charity. And ſhall we be more ſevere in paraphraſing the conſiderate and tender goſpel, than he was in expounding the rigid and peremptory law? What was ever in all appearance leſs made for man, and more for God alone, than the ſabbath? yet when the good of man comes into the ſcales, we hear that

voice of infinite goodneſs and benignity, that " ſabbath was made for man, not man for ſabbath." What thing ever was more made for man alone, and leſs for God, than marriage? And ſhall we load it with a cruel and ſenſeleſs bondage utterly againſt both the good of man, and the glory of God? Let whoſo will now liſten, I want neither pall nor mitre, I ſtay neither for ordination nor induction; but in the firm faith of a knowing chriſtian, which is the beſt and trueſt endowment of the keys, I pronounce, the man, who ſhall bind ſo cruelly a good and gracious ordinance of God, hath not in that the ſpirit of Chriſt. Yet that every text of ſcripture ſeeming oppoſite may be attended with a due expoſition, this other part enſues, and makes account to find no ſlender arguments for this aſſertion, out of thoſe very ſcriptures, which are commonly urged againſt it.

Firſt therefore let us remember, as a thing not to be denied, that all places of ſcripture, wherein juſt reaſon of doubt ariſes from the letter, are to be expounded by conſidering upon what occaſion every thing is ſet down, and by comparing other texts. The occaſion, which induced our Saviour to ſpeak of divorce, was either to convince the extravagance of the phariſees in that point, or to give a ſharp and vehement anſwer to a tempting queſtion. And in ſuch caſes, that we are not to repoſe all upon the literal terms of ſo many words, many inſtances will teach us: wherein we may plainly diſcover how Chriſt meant not to be taken word for word, but like a wiſe phyſician, adminiſtering one exceſs againſt another, to reduce us to a permiſs; where they were too remiſs, he ſaw it needful to ſeem moſt ſevere: in one place he cenſures an unchaſte look to be adultery already committed; another time he paſſes over actual adultery with leſs reproof than for an unchaſte look; not ſo heavily condemning ſecret weakneſs, as open malice: ſo here he may be juſtly thought to have given this rigid ſentence againſt divorce, not to cut off all remedy from a good man, who finds himſelf conſuming away in a diſconſolate and uninjoined matrimony, but to lay a bridle upon the bold abuſes of thoſe overweening rabbies; which he could not more effectually do, than by a counterſway of

reſtraint curbing their wild exorbitance almoſt in the other extreme; as when we bow things the contrary way, to make them come to their natural ſtraightneſs. And that this was the only intention of Chriſt is moſt evident, if we attend but to his own words and proteſtation made in the ſame ſermon, not many verſes before he treats of divorcing, that he came not to abrogate from the law 'one jot or tittle,' and denounces againſt them that ſhall ſo teach.

But St. Luke, the verſe immediately foregoing that of divorce, inſerts the ſame caveat, as if the latter could not be underſtood without the former; and as a witneſs to produce againſt this our wilful miſtake of abrogating, which muſt needs confirm us, that whatever elſe in the political law of more ſpecial relation to the Jews might ceaſe to us; yet that of thoſe precepts concerning divorce, not one of them was repealed by the doctrine of Chriſt, unleſs we have vowed not to believe his own cautious and immediate profeſſion; for if theſe our Saviour's words inveigh againſt all divorce, and condemn it as adultery, except it be for adultery, and be not rather underſtood againſt the abuſe of thoſe divorces permitted in the law, then is that law of Moſes, Deut. xxiv, 1, not only repealed and wholly annulled againſt the promiſe of Chriſt, and his known profeſſion not to meddle in matters judicial; but that which is more ſtrange, the very ſubſtance and purpoſe of that law is contradicted, and convinced both of injuſtice and impurity, as having authorized and maintained legal adultery by ſtatute. Moſes alſo cannot ſcape to be guilty of unequal and unwiſe decrees, puniſhing one act of ſecret adultery by death, and permitting a whole life of open adultery by law. And albeit lawyers write, that ſome political edicts, though not approved, are yet allowed to the ſcum of the people, and the neceſſity of the times; theſe excuſes have but a weak pulſe: for firſt, we read, not that the ſcoundrel people, but the choiceſt, the wiſeſt, the holieſt of that nation have frequently uſed theſe laws, or ſuch as theſe, in the beſt and holieſt times. Secondly, be it yielded, that in matters not very bad or impure, a human lawgiver may ſlacken ſomething of that which is

exactly good, to the diſpoſition of the people and the times: but if the perfect, the pure, the righteous law of God, (for ſo are all his ſtatutes and his judgments,) be found to have allowed ſmoothly, without any certain reprehenſion, that which Chriſt afterward declares to be adultery, how can we free this law from the horrible indictment of being both impure, unjuſt, and fallacious?

CHAP. II.

How divorce was permitted for hardneſs of heart, cannot be underſtood by the common expoſition. That the law cannot permit, much leſs enact a permiſſion of ſin.

NEITHER will it ſerve to ſay this was permitted for the hardneſs of their hearts, in that ſenſe as it is uſually explained: for the law were then but a corrupt and erroneous ſchoolmaſter, teaching us to daſh againſt a vital maxim of religion, by doing foul evil in hope of ſome certain good.

This only text is not to be matched again throughout the whole ſcripture, whereby God in his perfect law ſhould ſeem to have granted to the hard hearts of his holy people, under his own hand, a civil immunity and free charter to live and die in a long ſucceſſive adultery, under a covenant of works, till the Meſſiah, and then that indulgent permiſſion to be ſtrictly denied by a covenant of grace; beſides, the incoherence of ſuch a doctrine cannot, muſt not be thus interpreted, to the raiſing of a paradox never known till then, only hanging by the twined thread of one doubtful ſcripture, againſt ſo many other rules and leading principles of religion, of juſtice, and purity of life. For what could be granted more either to the fear, or to the luſt of any tyrant or politician, than this authority of Moſes thus expounded; which opens him a way at will to dam up juſtice, and not only to admit of any Romiſh or Auſtrian diſpenſes, but to enact a ſtatute of that which he dares not ſeem to approve, even to legitimate vice, to make ſin itſelf, the ever alien and vaſſal ſin, a free citizen of the common-wealth,

wealth, pretending only theſe or theſe plauſible reaſons? And well he might, all the while that Moſes ſhall be alledged to have done as much without ſhowing any reaſon at all. Yet this could not enter into the heart of David, Pſal. xciv, 20, how any ſuch authority, as endeavours to 'faſhion wickedneſs by a law,' ſhould derive itſelf from God. And Iſaiah ſays 'wo upon them that decree unrighteous decrees,' chap. x, 1. Now which of theſe two is the better lawgiver, and which deſerves moſt a wo, he that gives out an edict ſingly unjuſt, or he that confirms to generations a fixed and unmoleſted impunity of that which is not only held to be unjuſt, but alſo unclean, and both in a high degree; not only as they themſelves affirm, an injurious expulſion of one wife, but alſo an unclean freedom by more than a patent to wed another adulterouſly? How can we therefore with ſafety thus dangerouſly confine the free ſimplicity of our Saviour's meaning to that which merely amounts from ſo many letters, whenas it can conſiſt neither with its former and cautionary words, nor with other more pure and holy principles, nor finally with a ſcope of charity, commanding by his expreſs commiſſion in a higher ſtrain? But all rather of neceſſity muſt be underſtood as only againſt the abuſe of that wife and ingenuous liberty, which Moſes gave, and to terrify a roving conſcience from ſinning under that pretext.

CHAP. III.

That to allow ſin by law, is againſt the nature of law, the end of the lawgiver, and the good of the people. Impoſſible therefore in the law of God. That it makes God the author of ſin more than any thing objected by the Jeſuits or Arminians againſt predeſtination.

BUT let us yet further examine upon what conſideration a law of licence could be thus given to a holy people for the hardneſs of heart. I ſuppoſe all will anſwer, that for ſome good end or other. But here the contrary ſhall be proved. Firſt, that many ill effects, but no good

end of ſuch a ſufferance can be ſhewn; next, that a thing unlawful can for no good end whatever, be either done or allowed by a poſitive law. If there were any good end aimed at, that end was then good either to the law or to the lawgiver licenſing; or as to the perſon licenſed. That it could not be the end of the law, whether moral or judicial, to licenſe a ſin, I prove eaſily out of Rom. v, 20: 'The law entered, that the offence might abound,' that is, that ſin might be made abundantly manifeſt to be heinous and diſpleaſing to God, that ſo his offered grace might be the more eſteemed. Now if the law, inſtead of aggravating and terrifying ſin, ſhall give out licence, it foils itſelf, and turns recreant from its own end: it foreſtalls the pure grace of Chriſt, which is through righteouſneſs, with impure indulgences, which are through ſin. And inſtead of diſcovering ſin, for 'by the law is the knowledge thereof,' ſaith St. Paul; and that by certain and true light for men to walk in ſafety, it holds out falſe and dazzling fires to ſtumble men; or, like thoſe miſerable flies, to run into with delight and be burnt: for how many ſouls might eaſily think that to be lawful which the law and magiſtrate allowed them? Again, we read, 1 Tim. i, 5: 'The end of the commandment is charity out of a pure heart, and of a good conſcience, and of faith unfeigned.' But never could that be charity, to allow a people what they could not uſe with a pure heart, but with conſcience and faith both deceived, or elſe deſpiſed. The more particular end of the judicial law is ſet forth to us clearly Rom. xiii. That God hath given to that law 'a ſword not in vain, but to be a terrour to evil works, a revenge to execute wrath upon him that doth evil.' If this terrible commiſſion ſhould but forbear to puniſh wickedneſs, were it other to be accounted than partial and unjuſt? but if it begin to write indulgence to vulgar uncleanneſs, can it do more to corrupt and ſhame the end of its own being? Laſtly, if the law allow ſin, it enters into a kind of covenant with ſin; and if it do, there is not a greater ſinner in the world than the law itſelf. The law, to uſe an allegory ſomething different from that in Philo-Judæus concerning Amalek, though haply more ſignificant, the

law is the Iſraelite, and hath this abſolute charge given it, Deut. xxv: 'To blot out the memory of ſin, the Amalekite, from under heaven, not to forget it.' Again, the law is the Iſraelite, and hath this expreſs repeated command 'to make no covenant with ſin, the Canaanite,' but to expel him leſt he prove a ſnare. And to ſay truth, it were too rigid and reaſonleſs to proclaim ſuch an enmity between man and man, were it not the type of a greater enmity between law and ſin. I ſpeak even now, as if ſin were condemned in a perpetual villanage never to be free by law, never to be manumitted: but ſure ſin can have no tenure by law at all, but is rather an eternal outlaw, and in hoſtility with law paſt all atonement: both diagonal contraries, as much allowing one another, as day and night together in one hemiſphere. Or if it be poſſible, that ſin with his darkneſs may come to compoſition, it cannot be without a foul eclipſe and twilight to the law, whoſe brightneſs ought to ſurpaſs the noon. Thus we ſee how this unclean permittance defeats the ſacred and glorious end both of the moral and judicial law.

As little good can the lawgiver propoſe to equity by ſuch a laviſh remiſſneſs as this: if to remedy hardneſs of heart, Paræus and other divines confeſs it more increaſes by this liberty, than is leſſened: and how is it probable, that their hearts were more hard in this, that it ſhould be yielded to, than in any other crime? Their hearts were ſet upon uſury, and are to this day, no nation more; yet that which was the endamaging only of their eſtates was narrowly forbid; this which is thought the extreme injury and diſhonour of their wives and daughters, with the defilement alſo of themſelves, is bounteouſly allowed. Their hearts were as hard under their beſt kings to offer in high places, though to the true God: yet that, but a ſmall thing, it ſtrictly forewarned; this, accounted a high offence againſt one of the greateſt moral duties, is calmly permitted and eſtabliſhed. How can it be evaded, but that the heavy cenſure of Chriſt ſhould fall worſe upon this lawgiver of theirs, than upon all the Scribes and Phariſees? For they did but omit judgment and mercy to triſle in mint and cummin, yet all according to

law; but this their lawgiver, altogether as punctual in ſuch niceties, goes marching on to adulteries, through the violence of divorce by law againſt law. If it were ſuch a curſed act of Pilate a ſubordinate judge to Cæſar, overſwayed by thoſe hard hearts, with much ado to ſuffer one tranſgreſſion of law but once, what is it then with leſs ado to publiſh a law of tranſgreſſion for many ages? Did God for this come down and cover the mount of Sinai with his glory, uttering in thunder thoſe his ſacred ordidances out of the bottomleſs treaſures of his wiſdom and infinite pureneſs, to patch up an ulcerous and rotten commonwealth with ſtrict and ſtern injunctions, to waſh the ſkin and garments for every unclean touch; and ſuch eaſy permiſſion given to pollute the ſoul with adulteries by public authority, without diſgrace or queſtion? No, it had been better that man had never known law or matrimony, than that ſuch foul iniquity ſhould be faſtened upon the holy one of Iſrael, the judge of all the earth; and ſuch a piece of folly as Belzebub would not commit, to divide againſt himſelf, and prevent his own ends: or if he, to compaſs more certain miſchief, might yield perhaps to feign ſome good deed, yet that God ſhould enact a licence of certain evil for uncertain good againſt his own glory and pureneſs, is abominable to conceive. And as it is deſtructive to the end of law, and blaſphemous to the honour of the lawgiver licenſing, ſo is it as pernicious to the perſon licenſed. If a private friend admoniſh not, the ſcripture ſaith, 'he hates his brother, and lets him periſh;' but if he ſoothe him and allow him in his faults, the Proverbs teach us 'he ſpreads a net for his neighbour's feet, and worketh ruin.' If the magiſtrate or prince forget to adminiſter due juſtice, and reſtrain not ſin; Eli himſelf could ſay, 'it made the Lord's people to tranſgreſs.' But if he countenance them againſt law by his own example, what havoc it makes both in religion and virtue among the people may be gueſſed, by the anger it brought upon Hophni and Phineas not to be appeaſed 'with ſacrifice nor offering for ever.' If the law be ſilent to declare ſin, the people muſt needs generally go aſtray, for the apoſtle himſelf ſaith, 'he had not known luſt but by the law:' and ſurely ſuch a nation

a nation ſeems not to be under the illuminating guidance of God's law, but under the horrible doom rather of ſuch as deſpiſe the Goſpel; 'he that is filthy, let him be filthy ſtill.' But where the law itſelf gives a warrant for ſin, I know not what condition of miſery to imagine miſerable enough for ſuch a people, unleſs that portion of the wicked, or rather of the damned, on whom God threatens, in Pſal. xi, 'to rain ſnares;' but that queſtionleſs cannot be by any law, which the apoſtle ſaith is 'a miniſtry ordained of God for our good,' and not ſo many ways and in ſo high a degree to our deſtruction, as we have now been graduating. And this is all the good can come to the perſon licenſed in his hardneſs of heart.

I am next to mention that, which becauſe it is a ground in divinity, Rom. iii, will ſave the labour of demonſtrating, unleſs her given axioms be more doubted than in other hearts (although it be no leſs firm in the precepts of philoſophy) that a thing unlawful can for no good whatſoever be done, much leſs allowed by a poſitive law. And this is the matter why interpreters upon that paſſage in Hoſea will not conſent it to be a true ſtory, that the prophet took a harlot to wife: becauſe God, being a pure ſpirit, could not command a thing repugnant to his own nature, no not for ſo good an end as to exhibit more to the life a wholeſome and perhaps a converting parable to many an Iſraelite. Yet that he commanded the allowance of adulterous and injurious divorces for hardneſs of heart, a reaſon obſcure and in a wrong ſenſe, they can very favourably perſuade themſelves; ſo tenacious is the leaven of an old conceit. But they ſhift it; he permitted only. Yet ſilence in the law is conſent, and conſent is acceſſory: why then is not the law being ſilent, or not active againſt a crime, acceſſory to its own conviction, itſelf judging? For though we ſhould grant, that it approves not, yet it wills; and the lawyers maxim is, that 'the will compelled is yet the will.' And though Ariſtotle in his ethics calls this 'a mixed action,' yet he concludes it to be voluntary and inexcuſable, if it be evil. How juſtly then might human law and philoſophy riſe up againſt the righteouſneſs of Moſes, if this be true which our vulgar divinity fathers upon him, yea upon God himſelf, not ſilently,

ſilently, and only negatively to permit, but in his law to divulge a written and general privilege to commit and perſiſt in unlawful divorces with a high hand, with ſecurity and no ill fame? for this is more than permitting and contriving, this is maintaining: this is warranting, this is protecting, yea this is doing evil, and ſuch an evil as that reprobate lawgiver did, whoſe laſting infamy is engraven upon him like a ſurname, 'he who made Iſrael to ſin.' This is the loweſt pitch contrary to God that public fraud and injuſtice can deſcend.

If it be affirmed, that God, as being Lord, may do what he will, yet we muſt know, that God hath not two wills, but one will, much leſs two contrary. If he once willed adultery ſhould be ſinful, and to be puniſhed with death, all his omnipotence will not allow him, to will the allowance that his holieſt people might as it were by his own antinomy, or counterſtatute, live unreproved in the ſame fact as he himſelf eſteemed it, according to our common explainers. The hidden ways of his providence we adore and ſearch not, but the law is his revealed will, his complete, his evident and certain will: herein he appears to us as it were in human ſhape, enters into covenant with us, ſwears to keep it, binds himſelf like a juſt lawgiver to his own preſcriptions, gives himſelf to be underſtood by men, judges and is judged, meaſures and is commenſurate to right reaſon; cannot require leſs of us in one cantle of his law than in another, his legal juſtice cannot be ſo fickle and ſo variable, ſometimes like a devouring fire, and by and by connivent in the embers, or, if I may ſo ſay, oſcitant and ſupine. The vigour of his law could no more remit, than the hallowed fire upon his altar could be let go out. The lamps that burned before him might need ſnuffing, but the light of his law never. Of this alſo more beneath, in diſcuſſing a ſolution of Rivetus.

The Jeſuits, and that ſect among us which is named of Arminius, are wont to charge us of making God the author of ſin, in two degrees eſpecially, not to ſpeak of his permiſſion: 1. becauſe we hold, that he hath decreed ſome to damnation, and conſequently to ſin, ſay they; next, becauſe thoſe means, which are of ſaving knowledge to

to others, he makes to them an occaſion of greater ſin. Yet conſidering the perfection wherein man was created, and might have ſtood, no degree neceſſitating his freewill, but ſubſequent, though not in time, yet in order to cauſes, which were in his own power; they might methinks be perſuaded to abſolve both God and us. Whenas the doctrine of Plato and Chryſippus, with their followers, the Academics and the Stoics, who knew not what a conſummate and moſt adorned Pandora was beſtowed upon Adam, to be the nurſe and guide of his arbitrary happineſs and perſeverance, I mean his native innocence and perfection, which might have kept him from being our true Epimetheus; and though they taught of virtue and vice to be both the gift of divine deſtiny, they could yet give reaſons not invalid, to juſtify the councils of God and fate from the inſulſity of mortal tongues: that man's own freewill ſelf-corrupted, is the adequate and ſufficient cauſe of his diſobedience beſides fate; as Homer alſo wanted not to expreſs, both in his Iliad and Odyſſee. And Manilius the poet, although in his fourth book he tells of ſome "created both to ſin and puniſhment;" yet without murmuring, and with an induſtrious cheerfulneſs he acquits the deity. They were not ignorant in their heathen lore, that it is moſt godlike to puniſh thoſe who of his creatures became his enemies with the greateſt puniſhment; and they could attain alſo to think, that the greateſt, when God himſelf throws a man fartheſt from him; which then they held he did, when he blinded, hardened, and ſtirred up his offenders, to finiſh and pile up their deſperate work ſince they had undertaken it. To baniſh for ever into a local hell, whether in the air or in the centre, or in that uttermoſt and bottomleſs gulf of Chaos, deeper from holy bliſs than the world's diameter multiplied; they thought not a puniſhing ſo proper and proportionate for God to inflict, as to puniſh ſin with ſin. Thus were the common ſort of Gentiles wont to think, without any wry thoughts caſt upon divine governance. And therefore Cicero, not in his Tuſculan or Campanian retirements among the learned wits of that age, but even in the ſenate to a mixed auditory, (though he were ſparing otherwiſe to broach

broach his philoſophy among ſtatiſts and lawyers) yet as to this point, both in his oration againſt Piſo, and in that which is about the anſwers of the ſoothſayers againſt Clodius, he declares it publicly as no paradox to common ears, that God cannot puniſh man more, nor make him more miſerable, than ſtill by making him more ſinful. Thus we ſee how in this controverſy the juſtice of God ſtood upright even among heathen diſputers. But if any one be truly, and not pretendedly zealous for God's honour, here I call him forth before men and angels, to uſe his beſt and moſt adviſed ſkill, leſt God more unavoidably than ever yet, and in the guiltieſt manner, be made the author of ſin: if he ſhall not only deliver over and incite his enemies by rebuke to ſin as a puniſhment, but ſhall by patent under his own broad ſeal allow his friends whom he would ſanctify and ſave, whom he would unite to himſelf and not disjoin, whom he would correct by wholeſome chaſtening, and not puniſh as he doth the damned by lewd ſinning; if he ſhall allow theſe in his law, the perfect rule of his own pureſt will, and our moſt edified conſcience, the perpetrating of an odious and manifold ſin without the leaſt conteſting. It is wondered how there can be in God a ſecret and revealed will; and yet what wonder, if there be in man two anſwerable cauſes. But here there muſt be two revealed wills grappling in a fraternal war with one another without any reaſonable cauſe apprehended. This cannot be leſs, than to ingraft ſin into the ſubſtance of the law, which law is to provoke ſin by croſſing and forbidding, not by complying with it. Nay this is, which I tremble in uttering, to incarnate ſin into the unpuniſhing and well-pleaſed will of God. To avoid theſe dreadful conſequences, that tread upon the heels of thoſe allowances to ſin, will be a taſk of far more difficulty, than to appeaſe thoſe minds, which perhaps out of a vigilant and wary conſcience except againſt predeſtination. Thus finally we may conclude, that a law wholly giving licence cannot upon any good conſideration be given to a holy people, for hardneſs of heart in the vulgar ſenſe.

CHAP.

CHAP. IV.

That if divorce be no command, no more is marriage. That divorce could be no diſpenſation, if it were ſinful. The ſolution of Rivetus, that God diſpenſed by ſome unknown way, ought not to ſatisfy a chriſtian mind.

OTHERS think to evade the matter by not granting any law of divorce, but only a diſpenſation, which is contrary to the words of Chriſt, who himſelf calls it a 'Law,' Mark x, 5: or if we ſpeak of a command in the ſtricteſt definition, then marriage itſelf is no more a command than divorce, but only a free permiſſion to him who cannot contain. But as to diſpenſation I affirm the ſame as before of the law, that it can never be given to the allowance of ſin: God cannot give it, neither in reſpect of himſelf, nor in reſpect of man; not in reſpect of himſelf, being a moſt pure eſſence, the juſt avenger of ſin; neither can he make that ceaſe to be a ſin, which is in itſelf unjuſt and impure, as all divorces they ſay were, which were not for adultery. Not in reſpect of man, for then it muſt be either to his good, or to his evil. Not to his good; for how can that be imagined any good to a ſinner, whom nothing but rebuke and due correction can ſave, to hear the determinate oracle of divine law louder than any reproof diſpenſing and providing for the impunity, and convenience of ſin; to make that doubtful, or rather lawful, which the end of the law was to make moſt evidently hateful? Nor to the evil of man can a diſpenſe be given; for if 'the law were ordained unto life,' Rom. vii, 10, how can the ſame God publiſh diſpenſes againſt that law, which muſt needs be unto death? Abſurd and monſtrous would that diſpenſe be, if any judge or law ſhould give it a man to cut his own throat, or to damn himſelf. Diſpenſe therefore preſuppoſes full pardon, or elſe it is not a diſpenſe, but a moſt baneful and bloody ſnare. And why ſhould God enter covenant with a people to be holy, as 'the command is holy and juſt, and good,' Rom. vii, 12, and yet ſuffer an impure

impure and treacherous diſpenſe, to miſlead and betray them under the vizard of law to a legitimate practice of uncleanneſs? God is no covenant-breaker; he cannot do this.

Rivetus, a diligent and learned writer, having well weighed what hath been written by thoſe founders of diſpenſe, and finding the ſmall agreement among them, would fain work himſelf aloof theſe rocks and quick-ſands, and thinks it beſt to conclude, that God certainly did diſpenſe, but by ſome way to us unknown, and ſo to leave it. But to this I oppoſe, that a chriſtian by no means ought to reſt himſelf in ſuch an ignorance; whereby ſo many abſurdities will ſtraight reflect both againſt the purity, juſtice, and wiſdom of God, the end alſo both of law and goſpel, and the compariſon of them both together. God indeed in ſome ways of his providence is high and ſecret, paſt finding out: but in the delivery and execution of his law, eſpecially in the managing of a duty ſo daily and ſo familiar as this is whereof we reaſon, hath plain enough revealed himſelf, and requires the obſervance thereof not otherwiſe, than to the law of nature and equity imprinted in us ſeems correſpondent. And he hath taught us to love and extol his laws, not only as they are his, but as they are juſt and good to every wiſe and ſober underſtanding. Therefore Abraham, even to the face of God himſelf, ſeemed to doubt of divine juſtice, if it ſhould ſwerve from the irradiation wherewith it had enlightened the mind of man, and bound itſelf to obſerve its own rule; 'wilt thou deſtroy the righteous with the wicked? that be far from thee; ſhall not the judge of the earth do right?' Thereby declaring, that God hath created a righteouſneſs in right itſelf, againſt which he cannot do. So David, Pſalm cxix, 'the teſtimonies which thou haſt commanded are righteous and very faithful; thy word is very pure, therefore thy ſervant loveth it.' Not only then for the author's ſake, but for its own purity. 'He is faithful,' ſaith St. Paul, 'he cannot deny himſelf;' that is, cannot deny his own promiſes, cannot but be true to his own rules. He often pleads with men the uprightneſs of his ways by their own principles. How ſhould we imitate him elſe, to 'be perfect as he is perfect?'

perfect?' If at pleaſure he can diſpenſe with golden poetic ages of ſuch pleaſing licence, as in the fabled reign of old Saturn, and this perhaps before the law might have ſome covert; but under ſuch an undiſpenſing covenant as Moſes made with them, and not to tell us why and wherefore, indulgence cannot give quiet to the breaſt of an intelligent man? We muſt be reſolved how the law can be pure and perſpicuous, and yet throw a polluted ſkirt over theſe Eleuſinian myſteries, that no man can utter what they mean: worſe in this than the worſt obſcenities of heathen ſuperſtition; for their filthineſs was hid, but the myſtic reaſon thereof known to their ſages. But this Jewiſh imputed filthineſs was daily and open, but the reaſon of it is not known to our divines. We know of no deſign the goſpel can have to impoſe new righteouſneſs upon works, but to remit the old by faith without works, if we mean juſtifying works: we know no myſtery our Saviour could have to lay new bonds upon marriage in the covenant of grace which himſelf had looſened to the ſeverity of law. So that Rivetus may pardon us, if we cannot be contented with his nonſolution, to remain in ſuch a peck of uncertainties and doubts, ſo dangerous and ghaſtly to the fundamentals of our faith.

CHAP. V.

What a Diſpenſation is.

THEREFORE to get ſome better ſatisfaction, we muſt proceed to inquire as diligently as we can what a diſpenſation is, which I find to be either properly ſo called, or improperly. Improperly ſo called, is rather a particular and exceptive law, abſolving and diſobliging from a more general command for ſome juſt and reaſonable cauſe. As Numb. ix, they who were unclean, or in a journey, had leave to keep the paſſover in the ſecond month, but otherwiſe ever in the firſt. As for that in Leviticus of marrying the brother's wife, it was a penal ſtatute rather than a diſpenſe; and commands nothing injurious or in itſelf unclean, only prefers a ſpecial reaſon of charity before

fore an inſtitutive decency, and perhaps is meant for lifetime only, as is expreſſed beneath in the prohibition of taking two ſiſters. What other edict of Moſes, carrying but the ſemblance of a law in any other kind, may bear the name of a diſpenſe, I have not readily to inſtance. But a diſpenſation moſt properly is ſome particular accident rarely happening, and therefore not ſpecified in the law, but left to the deciſion of charity, even under the bondage of Jewiſh rites, much more under the liberty of the goſpel. Thus did 'David enter into the houſe of God, and did eat the ſhowbread, he and his followers, which was' ceremonially 'unlawful.' Of ſuch diſpenſes as theſe it was that Verdune the French divine ſo gravely diſputed in the council of Trent againſt friar Adrian, who held that the pope might diſpenſe with any thing. 'It is a fond perſuaſion,' ſaith Verdune, 'that diſpenſing is a favour; nay, it is as good diſtributive juſtice as what is moſt, and the prieſt ſins if he gives it not, for it is nothing elſe but a right interpretation of law.' Thus far that I can learn touching this matter wholeſomely decreed. But that God, who is the giver of every good and perfect gift, Jam. 1, ſhould give out a rule and directory to ſin by, ſhould enact a diſpenſation as longlived as a law, whereby to live in privileged adultery for hardneſs of heart; (and this obdurate diſeaſe cannot be conceived how it was the more amended by this unclean remedy,) is the moſt deadly and ſcorpion-like gift, that the enemy of mankind could have given to any miſerable ſinner, and is rather ſuch a diſpenſe as that was, which the ſerpent gave to our firſt parents. God gave quails in his wrath, and kings in his wrath, yet neither of theſe things evil in themſelves: but that he whoſe eyes cannot behold impurity, ſhould in the book of his holy covenant, his moſt unpaſſionate law, give licence and ſtatute for uncontrolled adultery, although it go for the received opinion, I ſhall ever diſſuade my ſoul from ſuch a creed, ſuch an indulgence as the ſhop of Antichriſt never forged a baſer.

CHAP.

CHAP. VI.

That the Jew had no more right to this ſuppoſed diſpenſe than the Chriſtian hath, and rather not ſo much.

BUT if we muſt needs diſpenſe, let us for a while ſo far diſpenſe with truth, as to grant that ſin may be diſpenſed; yet there will be copious reaſon found to prove, that the Jew had no more right to ſuch a ſuppoſed indulgence than the Chriſtian; whether we look at the clear knowledge wherein he lived, or the ſtrict performance of works whereto he was bound. Beſides viſions and prophecies, they had the law of God, which in the Pſalms and Proverbs is chiefly praiſed for ſureneſs and certainty, both eaſy and perfect to the enlightening of the ſimple. How could it be ſo obſcure then, or they ſo ſottiſhly blind in this plain, moral, and houſehold duty? They had the ſame precepts about marriage; Chriſt added nothing to their clearneſs, for that had argued them imperfect; he opens not the law, but removes the phariſaic miſts raiſed between the law and the people's eyes: the only ſentence which he adds, 'What God hath joined let no man put aſunder,' is as obſcure as any clauſe fetched out of Geneſis, and hath increaſed a yet undecided controverſy of clandeſtine marriages. If we examine over all his ſayings, we ſhall find him not ſo much interpreting the law with his words, as referring his own words to be interpreted by the law, and oftener obſcures his mind in ſhort, and vehement, and compact ſentences, to blind and puzzle them the more, who would not underſtand the law. The Jews therefore were as little to be diſpenſed with for lack of moral knowledge as we.

Next, none I think will deny, but that they were as much bound to perform the law as any Chriſtian. That ſevere and rigorous knife not ſparing the tender foreſkin of any male infant, to carve upon his fleſh the mark of that ſtrict and pure covenant whereinto he entered, might give us to underſtand enough againſt the fancy of diſpenſing. St. Paul teſtifies, that every 'circumciſed

man is a debtor to the whole law,' Gal. v, or elſe 'circumciſion is in vain,' Rom. ii, 25. How vain then, and how prepoſterous muſt it needs be to exact a circumciſion of the fleſh from an infant into an outward ſign of purity, and to diſpenſe an uncircumciſion in the ſoul of a grown man to an inward and real impurity? How vain again was that law, to impoſe tedious expiations for every ſlight ſin of ignorance and errour, and to privilege without penance or diſturbance an odious crime whether of ignorance or obſtinancy? How unjuſt alſo inflicting death and extirpation for the mark of circumſtantial pureneſs omitted, and proclaiming all honeſt and liberal indemnity to the act of a ſubſtantial impureneſs committed, making void the covenant that was made againſt it? Thus if we conſider the tenour of the law, to be circumciſed and to perform all, not pardoning ſo much as the ſcapes of errour and ignorance, and compare this with the condition of the goſpel, 'believe and be baptized,' I ſuppoſe it cannot be long ere we grant, that the Jew was bound as ſtrictly to the performance of every duty, as was poſſible: and therefore could not be diſpenſed with more than the Chriſtian, perhaps not ſo much.

CHAP. VII.

That the Goſpel is apter to diſpenſe than the Law. Paræus anſwered.

IF then the law will afford no reaſon, why the Jew ſhould be more gently dealt with than the Chriſtian, then ſurely the goſpel can afford as little, why the Chriſtian ſhould be leſs gently dealt with than the Jew. The goſpel indeed exhorts to higheſt perfection, but bears with weakeſt infirmity more than the law. Hence thoſe indulgences, 'all cannot receive this ſaying, every man hath his proper gift,' with expreſs charges not to 'lay on yokes, which our fathers could not bear.' The nature of man ſtill is as weak, and yet as hard; and that weakneſs and hardneſs as unfit and as unteachable to be harſhly uſed as ever. Ay but, ſaith Paræus, there is a greater portion

portion of ſpirit poured upon the goſpel, which requires from us perfecter obedience. I anſwer, this does not prove, that the law might give allowance to ſin more than the goſpel; and if it were no ſin, we know it were the work of the ſpirit to 'mortify our corrupt deſires and evil concupiſcence;' but not to root up our natural affections and diſaffections, moving to and fro even in wiſeſt men upon juſt and neceſſary reaſons, which were the true ground of that Moſaic diſpenſe, and is the utmoſt extent of our pleading. What is more or leſs perfect we diſpute not, but what is ſin or no ſin. And in that I ſtill affirm the law required as perfect obedience as the goſpel: beſides that the prime end of the goſpel is not ſo much to exact our obedience, as to reveal grace, and the ſatisfaction of our diſobedience. What is now exacted from us, it is the accuſing law that does it, even yet under the goſpel; but cannot be more extreme to us now than to the Jews of old; for the law ever was of works, and the goſpel ever was of grace.

Either then the law by harmleſs and needful diſpenſes, which the goſpel is now made to deny, muſt have anticipated and exceeded the grace of the goſpel, or elſe muſt be found to have given politic and ſuperficial graces without real pardon, ſaying in general, 'do this and live,' and yet deceiving and damning underhand with unſound and hollow permiſſions; which is utterly abhorring from the end of all law, as hath been ſhowed. But if thoſe indulgences were ſafe and ſinleſs, out of tenderneſs and compaſſion, as indeed they were, and yet ſhall be abrogated by the goſpel; then the law, whoſe end is by rigour to magnify grace, ſhall itſelf give grace, and pluck a fair plume from the goſpel; inſtead of haſtening us thither, alluring us from it. And whereas the terrour of the law was a ſervant to amplify and illuſtrate the mildneſs of grace; now the unmildneſs of evangelic grace ſhall turn ſervant, to declare the grace and mildneſs of the rigorous law. The law was harſh to extol the grace of the goſpel, and now the goſpel by a new affected ſtrictneſs of her own ſhall extenuate the grace which herſelf offers. For by exacting a duty which the law diſpenſed, if we perform it, then is grace diminiſhed, by how much perform-

ance advances, unleſs the apoſtle argue wrong: if we perform it not, and periſh for not performing, then are the conditions of grace harder than thoſe of rigour. If through faith and repentance we periſh not, yet grace ſtill remains the leſs, by requiring that which rigour did not require, or at leaſt not ſo ſtrictly. Thus much therefore to Paræus; that if the goſpel require perfecter obedience than the law as a duty, it exalts the law, and debaſes itſelf, which is diſhonourable to the work of our redemption. Seeing therefore that all the cauſes of any allowance, that the Jews might have, remain as well to the Chriſtians; this is a certain rule, that ſo long as the cauſes remain, the allowance ought. And having thus at length inquired the truth concerning law and diſpenſe, their ends, their uſes, their limits, and in what manner both Jew and Chriſtian ſtand liable to the one or capable of the other; we may ſafely conclude, that, to affirm the giving of any law or lawlike diſpenſe to ſin for hardneſs of heart, is a doctrine of that extravagance from the ſage principles of piety, that whoſo conſiders thoroughly cannot but admire how this hath been digeſted all this while.

CHAP. VIII.

The true ſenſe how Moſes ſuffered divorce for hardneſs of heart.

WHAT may we do then to ſalve this ſeeming inconſiſtence? I muſt not diſſemble, that I am confident it can be done no other way than this:

Moſes, Deut. xxiv, i, eſtabliſhed a grave and prudent law, full of moral equity, full of due conſideration towards nature, that cannot be reſiſted, a law conſenting with the laws of wiſeſt men and civileſt nations; that when a man hath married a wife, if it come to paſs, that he cannot love her by reaſon of ſome diſpleaſing natural quality or unfitneſs in her, let him write her a bill of divorce. The intent of which law undoubtedly was this, that if any good and peaceable man ſhould diſcover ſome helpleſs diſagreement or diſlike either of mind or body, whereby he

he could not cheerfully perform the duty of a huſband without the perpetual diſſembling of offence and diſturbance to his ſpirit; rather than to live uncomfortably and unhappily both to himſelf and to his wife; rather than to continue undertaking a duty, which he could not poſſibly diſcharge, he might diſmiſs her whom he could not tolerably and ſo not conſcionably retain. And this law the Spirit of God by the mouth of Solomon, Prov. xxx, 21, 23, teſtifies to be a good and a neceſſary law, by granting it that 'a hated woman' (for ſo the Hebrew word ſignifies rather than 'odious', though it come all to one) that 'a hated woman, when ſhe is married, is a thing that the earth cannot bear.' What follows then, but that the charitable law muſt remedy what nature cannot undergo? Now that many licentious and hardhearted men took hold of this law to cloke their bad purpoſes, is nothing ſtrange to believe. And theſe were they, not for whom Moſes made the law, (God forbid!) but whoſe hardneſs of heart taking ill-advantage by this law he held it better to ſuffer as by accident, where it could not be detected, rather than good men ſhould loſe their juſt and lawful privilege of remedy; Chriſt therefore having to anſwer theſe tempting Phariſees, according as his cuſtom was, not meaning to inform their proud ignorance what Moſes did in the true intent of the law, which they had ill cited, ſuppreſſing the true cauſe for which Moſes gave it, and extending it to every ſlight matter, tells them their own, what Moſes was forced to ſuffer by their abuſe of his law. Which is yet more plain, if we mark that our Saviour, in Mat. v, cites not the law of Moſes, but the phariſaical tradition falſely grounded upon that law. And in thoſe other places, chap. xix, and Mark x, the Phariſees cite the law, but conceal the wiſe and humane reaſon there expreſſed; which our Saviour corrects not in them, whoſe pride deſerved not his inſtruction, only returns them what is proper to them: 'Moſes for the hardneſs of your heart ſuffered you,' that is ſuch as you, 'to put away your wives; and to you he wrote this 'precept for that cauſe,' which '(to you') muſt be read with an impreſſion, and underſtood limitedly of ſuch as covered ill purpoſes under that law: for it was ſeaſonable,

that they ſhould hear their own unbounded licence rebuked, but not ſeaſonable for them to hear a good man's requiſite liberty explained. But us he hath taught better, if we have ears to hear. He himſelf acknowledged it to be a law, Mark x, and being a law of God, it muſt have an undoubted "end of charity, which may be uſed with a pure heart, a good conſcience, and faith unfeigned," as was heard: it cannot allow ſin, but is purpoſely to reſiſt ſin, as by the ſame chapter to Timothy appears. There we learn alſo, "that the law is good, if a man uſe it lawfully." Out of doubt then there muſt be a certain good in this law, which Moſes willingly allowed, and there might be an unlawful uſe made thereof by hypocrites; and that was it which was unwillingly ſuffered, foreſeeing it in general, but not able to diſcern it in particulars. Chriſt therefore mentions not here what Moſes and the law intended; for good men might know that by many other rules: and the ſcornful Phariſees were not fit to be told, until they could employ that knowledge they had leſs abuſively. Only he acquaints them with what Moſes by them was put to ſuffer.

CHAP. IX.

The Words of the inſtitution how to be underſtood; and of our Saviour's Anſwer to his Diſciples.

AND to entertain a little their overweening arrogance as beſt befitted, and to amaze them yet further, becauſe they thought it no hard matter to fulfil the law, he draws them up to that unſeparable inſtitution, which God ordained in the beginning before the fall, when man and woman were both perfect, and could have no cauſe to ſeparate: juſt as in the ſame chapter he ſtands not to contend with the arrogant young man, who boaſted his obſervance of the whole law, whether he had indeed kept it or not, but ſcrews him up higher to a taſk of that perfection, which no man is bound to imitate. And in like manner, that pattern of the firſt inſtitution he ſet before the opinionative Phariſees, to dazzle them, and not to bind

bind us. For this is a ſolid rule, that every command, given with a reaſon, binds our obedience no otherwiſe than that reaſon holds. Of this ſort was that command in Eden; 'therefore ſhall a man cleave to his wife, and they ſhall be one fleſh;' which we ſee is no abſolute command, but with an inference 'therefore:' the reaſon then muſt be firſt conſidered, that our obedience be not miſobedience. The firſt is, for it is not ſingle, becauſe the wife is to the huſband 'fleſh of his fleſh,' as in the verſe going before. But this reaſon cannot be ſufficient of itſelf: for why then ſhould he for his wife leave his father and mother, with whom he is far more 'fleſh of fleſh, and bone of bone,' as being made of their ſubſtance? and beſides, it can be but a ſorry and ignoble ſociety of life, whoſe inſeparable injunction depends merely upon fleſh and bones. Therefore we muſt look higher, ſince Chriſt himſelf recalls us to the beginning, and we ſhall find, that the primitive reaſon of never divorcing was that ſacred and not vain promiſe of God to remedy man's loneline ſs by 'making him a meet help for him,' though not now in perfection, as at firſt; yet ſtill in proportion as things now are. And this is repeated, verſe 20, when all other creatures were fitly aſſociated and brought to Adam, as if the Divine Power had been in ſome care and deep thought, becauſe 'there was not yet found any help meet for man.' And can we ſo ſlightly depreſs the all-wiſe purpoſe of a deliberating God, as if his conſultation had produced no other good for man, but to join him with an accidental companion of propagation, which his ſudden word had already made for every beaſt? nay a far leſs good to man it will be found, if ſhe muſt at all adventures be faſtened upon him individually. And therefore even plain ſenſe and equity, and, which is above them both, the all-interpreting voice of charity herſelf cries aloud, that this primitive reaſon, this conſulted promiſe of God, 'to make a meet help,' is the only cauſe that gives authority to this command of not divorcing, to be a command. And it might be further added, that if the true definition of a wife were aſked at good earneſt, this clauſe of being 'a meet help' would ſhow itſelf ſo neceſſary and ſo eſſential, in that demonſtrative argument,

that it might be logically concluded: therefore ſhe who naturally and perpetually is no 'meet help,' can be no wife; which clearly takes away the difficulty of diſmiſſing ſuch a one. If this be not thought enough, I anſwer yet further, that marriage, unleſs it mean a fit and tolerable marriage, is not inſeparable neither by nature nor inſtitution. Not by nature, for then Moſaic divorces had been againſt nature, if ſeparable and inſeparable be contraries, as who doubts they be? and what is againſt nature is againſt law, if ſoundeſt philoſophy abuſe us not: by this reckoning Moſes ſhould be moſt unmoſaic, that is moſt illegal, not to ſay moſt unnatural. Nor is it inſeparable by the firſt inſtitution: for then no ſecond inſtitution of the ſame law for ſo many cauſes could diſſolve it; it being moſt unworthy a human, (as Plato's judgment is in the fourth book of his laws) much more a divine lawgiver, to write two ſeveral decrees upon the ſame thing. But what would Plato have deemed, if one of theſe were good, and the other evil to be done? Laſtly, ſuppoſe it to be inſeparable by inſtitution, yet in competition with higher things, as religion and charity in maineſt matters, and when the chief end is fruſtrate for which it was ordained, as hath been ſhown; if ſtill it muſt remain inſeparable, it holds a ſtrange and lawleſs propriety from all other works of God under Heaven. From theſe many conſiderations, we may ſafely gather, that ſo much of the firſt inſtitution as our Saviour mentions, for he mentions not all, was but to quell and put to nonplus the tempting Phariſees, and to lay open their ignorance and ſhallow underſtanding of the ſcriptures. For, ſaith he, 'have ye not read that he which made them at the beginning, made them male and female, and ſaid, for this cauſe ſhall a man cleave to his wife?' which theſe blind uſurpers of Moſes's chair could not gainſay: as if this ſingle reſpect of male and female were ſufficient againſt a thouſand inconveniences and miſchiefs, to clog a rational creature to his endleſs ſorrow unrelinquiſhably, under the guileful ſuperſcription of his intended ſolace and comfort. What if they had thus anſwered? maſter, if thou mean to make wedlock as inſeparable as it was from the beginning, let it be made alſo a fit ſociety, as God meant it, which we

ſhall ſoon underſtand it ought to be, if thou recite the whole reaſon of the law. Doubtleſs our Saviour had applauded their juſt anſwer. For then they had expounded his command of Paradiſe, even as Moſes himſelf expounds it by the laws of divorce, that is, with due and wiſe regard to the premiſes and reaſons of the firſt command; according to which, without unclean and temporizing permiſſions, he inſtructs us in this imperfect ſtate what we may lawfully do about divorce.

But if it be thought, that the diſciples, offended at the rigour of Chriſt's anſwer, could yet obtain no mitigation of the former ſentence pronounced to the Phariſees, it may be fully anſwered, that our Saviour continues the ſame reply to his diſciples, as men leavened with the ſame cuſtomary licence which the Phariſees maintained, and diſpleaſed at the removing of a traditional abuſe, whereto they had ſo long not unwillingly been uſed: it was no time then to contend with their ſlow and prejudicial belief, in a thing wherein an ordinary meaſure of light in ſcripture, with ſome attention, might afterwards inform them well enough. And yet ere Chriſt had finiſhed this argument, they might have picked out of his own concluding words an anſwer more to their minds, and in effect the ſame with that which hath been all this while intreating audience: 'all men,' ſaith he, 'cannot receive this ſaying, ſave they to whom it is given; he that is able to receive it, let him receive it.' What ſaying is this which is left to a man's choice to receive, or not receive? what but the married life? Was our Saviour ſo mild and ſo favourable to the weakneſs of a ſingle man, and is he turned on the ſudden ſo rigorous and inexorable, to the diſtreſſes and extremities of an ill-wedded man? Did he ſo graciouſly give leave to change the better ſingle life for the worſe married life? Did he open ſo to us this hazardous and accidental door of marriage, to ſhut upon us like the gate of death, without retracting or returning, without permitting to change the worſt, moſt inſupportable, moſt unchriſtian miſchance of marriage, for all the miſchiefs and ſorrows that can enſue, being an ordinance which was eſpecially given as a cordial and exhilarating cup of ſolace, the better to bear our other

other croſſes and afflictions? Queſtionleſs this was a hard-heartedneſs of divorcing, worſe than that in the Jews, which they ſay extorted the allowance from Moſes, and is utterly diſſonant from all the doctrine of our Saviour. After theſe conſiderations therefore, to take a law out of Paradiſe given in time of original perfection, and to take it barely without thoſe juſt and equal inferences and reaſons which mainly eſtabliſh it, nor ſo much as admitting thoſe needful and ſafe allowances, wherewith Moſes himſelf interprets it to the fallen condition of man; argues nothing in us but raſhneſs and contempt of thoſe means that God left us in his pure and chaſte law, without which it will not be poſſible for us to perform the ſtrict impoſition of this command: or if we ſtrive beyond our ſtrength, we ſhall ſtrive to obey it otherwiſe than God commands it. And lamented experience daily teaches the bitter and vain fruits of this our preſumption, forcing men in a thing wherein we are not able to judge either of their ſtrength or their ſufferance. Whom neither one voice nor other by natural addiction, but only marriage ruins, which doubtleſs is not the fault of that ordinance, for God gave it as a bleſſing, nor always of man's miſchooſing, it being an errour above wiſdom to prevent, as examples of wiſeſt men ſo miſtaken manifeſt: it is the fault therefore of a perverſe opinion, that will have it continued in deſpite of nature and reaſon, when indeed it was never ſo truly joined. All thoſe expoſitors upon the fifth Matthew confeſs the law of Moſes to be the law of the Lord, wherein no addition or diminution hath place; yet coming to the point of divorce, as if they feared not to be called leaſt in the kingdom of Heaven, any ſlight evaſion will content them, to reconcile thoſe contradictions, which they make between Chriſt and Moſes, between Chriſt and Chriſt.

CHAP.

CHAP. X.

The vain ſhift of thoſe who make the law of divorce to be only the premiſes of a ſucceeding law.

SOME will have it no law, but the granted premiſes of another law following, contrary to the words of Chriſt, Mark x, 5, and all other tranſlations of graveſt authority, who render it in form of a law, agreeably to Mal. ii, 16, as it is moſt anciently and modernly expounded. Beſides, the bill of divorce, and the particular occaſion therein mentioned, declares it to be orderly and legal. And what avails this to make the matter more righteous, if ſuch an adulterous condition ſhall be mentioned to build a law upon without either puniſhment or ſo much as forbidding? They pretend it is implicitly reproved in theſe words, Deut. xxiv, 4, ‘ after ſhe is defiled ;’ but who ſees not that this defilement is only in reſpect of returning to her former huſband after an intermixed marriage? elſe why was not the defiling condition firſt forbidden, which would have ſaved the labour of this afterlaw? Nor is it ſeemly or piouſly attributed to the juſtice of God and his known hatred of ſin, that ſuch a heinous fault as this through all the law ſhould be only wiped with an implicit and oblique touch, (which yet is falſely ſuppoſed) and that his peculiar people ſhould be let wallow in adulterous marriages almoſt two thouſand years, for want of a direct law to prohibit them: it is rather to be confidently aſſumed, that this was granted to apparent neceſſities, as being of unqueſtionable right and reaſon in the law of nature, in that it ſtill paſſes without inhibition, even when the greateſt cauſe is given to us to expect it ſhould be directly forbidden.

CHAP. XI.

The other ſhift of ſaying divorce was permitted by law, but not approved. More of the inſtitution.

BUT it was not approved. So much the worſe that it was allowed; as if ſin had over-maſtered the word of God, to conform her ſteady and ſtraight rule to ſin's crookedneſs, which is impoſſible. Beſides, what needed a poſitive grant of that which was not approved? It reſtrained no liberty to him that could but uſe a little fraud; it had been better ſilenced, unleſs it were approved in ſome caſe or other. But ſtill it was not approved. Miſerable excuſers! he who doth evil, that good may come thereby, approves not what he doth; and yet the grand rule forbids him, and counts his damnation juſt if he do it. The ſorcereſs Medea did not approve her own evil doings, yet looked not to be excuſed for that: and it is the conſtant opinion of Plato in Protagoras, and other of his dialogues, agreeing with that proverbial ſentence among the Greeks, that 'no man is wicked willingly.' Which alſo the Peripatetics do rather diſtinguiſh than deny. What great thank then if any man, reputed wiſe and conſtant, will neither do, nor permit others under his charge to do that which he approves not, eſpecially in matter of ſin? but for a judge, but for a magiſtrate the ſhepherd of his people, to ſurrender up his approbation againſt law, and his own judgment, to the obſtinacy of his herd; what more unjudgelike, unmagiſtratelike, and in war more uncommanderlike? Twice in a ſhort time it was the undoing of the Roman ſtate, firſt when Pompey, next when Marcus Brutus, had not magnanimity enough but to make ſo poor a reſignation of what they approved, to what the boiſterous tribunes and ſoldiers bawled for. Twice it was the ſaving of two of the greateſt commonwealths in the world, of Athens by Themiſtocles at the ſeafight of Salamis, of Rome by Fabius Maximus in the Punic war; for that theſe two matchleſs generals had the fortitude at home againſt the raſhneſs

raſhneſs and the clamours of their own captains and confederates, to withſtand the doing or permitting of what they could not approve in their duty of their great command. Thus far of civil prudence. But when we speak of ſin, let us look again upon the old reverend Eli; who in his heavy puniſhment found no difference between the doing and permitting of what he did not approve. If hardneſs of heart in the people may be an excuſe, why then is Pilate branded through all memory? He approved not what he did, he openly proteſted, he waſhed his hands, and laboured not a little ere he would yield to the hard hearts of a whole people, both princes and plebians, importuning and tumulting even to the fear of a revolt. Yet is there any will undertake his cauſe? If therefore Pilate for ſuffering but one act of cruelty againſt law, though with much unwillingneſs teſtified, at the violent demand of a whole nation, ſhall ſtand ſo black upon record to all poſterity; alas for Moſes! what ſhall we ſay for him, while we are taught to believe he ſuffered not one act only both of cruelty and uncleanlineſs in one divorce, but made it a plain and laſting law againſt law, whereby ten thouſand acts accounted both cruel and unclean might be daily committed, and this without the leaſt ſuit or petition of the people, that we can read of?

And can we conceive without vile thoughts, that the majeſty and holineſs of God could endure ſo many ages to gratify a ſtubborn people in the practice of a foul polluting ſin? and could he expect they ſhould abſtain, he not ſignifying his mind in a plain command, at ſuch time eſpecially when he was framing their laws and them to all poſſible perfection? But they were to look back to the firſt inſtitution; nay rather why was not that individual inſtitution brought out of Paradiſe, as was that of the ſabbath, and repeated in the body of the law, that men might have underſtood it to be a command? For that any ſentence that bears the reſemblance of a precept, ſet there ſo out of place in another world, at ſuch a diſtance from the whole law, and not once mentioned there, ſhould be an obliging command to us, is very diſputable; and perhaps it might be denied to be a command without further diſpute: however, it commands not abſolutely,

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as hath been cleared, but only with reference to that precedent promiſe of God, which is the very ground of his inſtitution: if that appear not in ſome tolerable ſort, how can we affirm ſuch a matrimony to be the ſame which God inſtituted? in ſuch an accident it will beſt behoove our ſoberneſs to follow rather what moral Sinai preſcribes equal to our ſtrength, than fondly to think within our ſtrength all that loſt Paradiſe relates.

CHAP. XII.

The third ſhift of them who eſteem it a mere judicial law. Proved again to be a law of moral equity.

ANOTHER while it ſhall ſuffice them, that it was not a moral but a judicial law, and ſo was abrogated: nay rather not abrogated becauſe judicial; which law the miniſtry of Chriſt came not to deal with. And who put it in man's power to exempt, where Chriſt ſpeaks in general of not abrogating 'the leaſt jot or tittle,' and in ſpecial not that of divorce, becauſe it follows among thoſe laws which he promised expreſsly not to abrogate, but to vindicate from abuſive traditions? which is moſt evidently to be ſeen in the xvi of Luke, where this caution of not abrogating is inſerted immediately, and not otherwiſe than purpoſely, when no other point of the law is touched but that of divorce. And if we mark the 31ſt verſe of Mat. v, he there cites not the law of Moſes, but the licentious gloſs which traduced the law; that therefore which he cited, that he abrogated, and not only abrogated, but diſallowed and flatly condemned; which could not be the law of Moſes, for that had been foully to the rebuke of his great ſervant. To abrogate a law made with God's allowance, had been to tell us only that ſuch a law was now to ceaſe: but to refute it with an ignominious note of civilizing adultery, caſts the reproof, which was meant only to the Phariſees, even upon him that made the law. But yet if that be judicial, which belongs to a civil court, this law is leſs judicial than nine of the ten commandments: for antiquaries affirm, that divorces

divorces proceeded among the Jews without knowledge of the magiſtrate, only with hands and ſeals under the teſtimony of ſome rabbies to be then preſent. Perkins, 'in a Treatiſe of Conſcience,' grants, that what in the judicial law is of common equity binds alſo the Chriſtian: and how to judge of this, preſcribes two ways: if wiſe nations have enacted the like decree: or if it maintain the good of family, church, or commonwealth. This therefore is a pure moral œconomical law, too haſtily imputed of tolerating ſin; being rather ſo clear in nature and reaſon, that it was left to a man's own arbitrement to be determined between God and his own conſcience; not only among the Jews, but in every wiſe nation: the reſtraint whereof, who is not too thick-ſighted, may ſee how hurtful and diſtractive it is to the houſe, the church, and commonwealth. And that power which Chriſt never took from the maſter of a family, but rectified only to a right and wary uſe at home; that power the undiſcerning canoniſt hath improperly uſurped in his court-leet, and beſcribbled with a thouſand trifling impertinences, which yet have filled the life of man with ſerious trouble and calamity. Yet grant it were of old a judicial law, it need not be the leſs moral for that, being converſant as it is about virtue or vice. And our Saviour diſputes not here the judicature, for that was not his office, but the morality of divorce, whether it be adultery or no; if therefore he touch the law of Moſes at all, he touches the moral part thereof, which is abſurd to imagine, that the covenant of grace ſhould reform the exact and perfect law of works, eternal and immutable; or if he touch not the law at all, then is not the allowance thereof diſallowed to us.

CHAP. XIII.

The ridiculous opinion, that divorce was permitted from the cuſtom in Egypt. That Moſes gave not this law unwillingly. Perkins confeſſes this law was not abrogated.

OTHERS are ſo ridiculous as to allege, that this licence of divorcing was given them becauſe they were ſo accuſtomed

accuſtomed in Egypt. As if an ill cuſtom were to be kept to all poſterity; for the diſpenſation is both univerſal and of time unlimited, and ſo indeed no diſpenſation at all: for the overdated diſpenſation of a thing unlawful, ſerves for nothing but to increaſe hardneſs of heart, and makes men but wax more incorrigible; which were a great reproach to be ſaid of any law or allowance that God ſhould give us. In theſe opinions it would be more religion to adviſe well, leſt we make ourſelves juſter than God, by cenſuring raſhly that for ſin, which his unſpotted law without rebuke allows, and his people without being conſcious of diſpleaſing him have uſed: and if we can think ſo of Moſes, as that the Jewiſh obſtinancy could compel him to write ſuch impure permiſſions againſt the word of God and his own judgment; doubtleſs it was his part to have proteſted publicly what ſtraits he was driven to, and to have declared his conſcience, when he gave any law againſt his mind: for the law is the touchſtone of ſin and of conſcience, and muſt not be intermixed with corrupt indulgences; for then it loſes the greateſt praiſe it has of being certain, and infallible, not leading into errour as the Jews were led by this connivance of Moſes, if it were a connivance. But ſtill they fly back to the primitive inſtitution, and would have us reenter Paradiſe againſt the ſword that guards it. Whom I again thus reply to, that the place in Geneſis contains the deſcription of a fit and perfect marriage, with an interdict of ever divorcing ſuch a union: but where nature is diſcovered to have never joined indeed, but vehemently ſeeks to part, it cannot be there conceived that God forbids it; nay, he commands it both in the law and in the prophet Malachi, which is to be our rule. And Perkins upon this chapter of Matthew deals plainly, that our Saviour here confutes not Moſes's law, but the falſe gloſſes that depraved the law; which being true, Perkins muſt needs grant, that ſomething then is left to that law which Chriſt found no fault with; and what can that be but the conſcionable uſe of ſuch liberty, as the plain words import? ſo that by his own inference. Chriſt did not abſolutely intend to reſtrain all divorces to the only cauſe of adultery. This therefore is the true ſcope of our Saviour's

viour's will, that he who looks upon the law concerning divorce, ſhould alſo look back upon the inſtitution, that he may endeavour what is perfecteſt: and he that looks upon the inſtitution ſhall not refuſe as ſinful and unlawful thoſe allowances, which God affords him in his following law, leſt he make himſelf purer than his maker, and preſuming above ſtrength, ſlip into temptations irrecoverably. For this is wonderful, that in all thoſe decrees concerning marriage, God ſhould never once mention the prime inſtitution to diſſuade them from divorcing, and that he ſhould forbid ſmaller ſins as oppoſite to the hardneſs of their hearts, and let this adulterous matter of divorce paſs ever unreproved.

This is alſo to be marvelled, that ſeeing Chriſt did not condemn whatever it was that Moſes ſuffered, and that thereupon the Chriſtian magiſtrate permits uſury and open ſtews, and here with us adultery to be ſo ſlightly puniſhed, which was puniſhed by death to theſe hard-hearted Jews; why we ſhould ſtrain thus at the matter of divorce, which may ſtand ſo much with charity to permit, and make no ſcruple to allow uſury eſteemd to be ſo much againſt charity? But this it is to embroil ourſelves againſt the righteous and all-wiſe judgments and ſtatutes of God; which are not variable and contrarious as we would make them, one while permitting, and another while forbidding, but are moſt conſtant and moſt harmonious each to other. For how can the uncorrupt and majeſtic law of God, bearing in her hand the wages of life and death, harbour ſuch a repugnance within herſelf, as to require an unexempted and impartial obedience to all her decrees, either from us or from our Mediator, and yet debaſe herſelf to faulter ſo many ages with circumciſed adulteries by unclean and ſlubbering permiſſions?

CHAP. XIV.

That Beza's opinion of regulating ſin by apoſtolic law cannot be found.

YET Beza's opinion is, that a politic law, (but what politic law, I know not, unleſs one of Machiavel's) may

regulate ſin; may bear indeed, I grant, with imperfection for a time, as thoſe canons of the apoſtles did in ceremonial things: but as for ſin, the eſſence of it cannot conſiſt with rule; and if the law fail to regulate ſin, and not to take it utterly away, it neceſſarily confirms and eſtabliſhes ſin. To make a regularity of ſin by law, either the law muſt ſtraighten ſin into no ſin, or ſin muſt crook the law into no law. The judicial law can ſerve to no other end than to be the protector and champion of religion and honeſt civility, as is ſet down plainly Rom. xiii, and is but the arm of moral law, which can no more be ſeparate from juſtice, than juſtice from virtue. Their office alſo, in a different manner, ſteers the ſame courſe; the one teaches what is good by precept, the other unteaches what is bad by puniſhment. But if we give way to politic diſpenſations of lewd uncleanneſs, the firſt good conſequence of ſuch a relax will be the juſtifying of papal ſtews, joined with a toleration of epidemic whoredom. Juſtice muſt revolt from the end of her authority, and become the patron of that whereof ſhe was created the puniſher. The example of uſury, which is commonly alleged, makes againſt the allegation which it brings, as I touched before. Beſides that uſury, ſo much as is permitted by the magiſtrate, and demanded with common equity, is neither againſt the word of God, nor the rule of charity; as hath been often diſcuſſed by men of eminent learning and judgment. There muſt be therefore ſome other example found out to ſhew us wherein civil policy may with warrant from God ſettle wickedneſs by law, and make that lawful which is lawleſs. Although I doubt not but upon deeper conſideration, that which is true in phyſic will be found as true in policy, that as of bad pulſes thoſe that beat moſt in order, are much worſe than thoſe that keep the moſt inordinate circuit; ſo of popular vices thoſe that may be committed legally will be more pernicious, than thoſe that are left to their own courſe at peril, not under a ſtinted privilege to ſin orderly and regularly, which is an implicit contradiction, but under due and fearleſs execution of puniſhment.

The political law, ſince it cannot regulate vice, is to reſtrain it by uſing all means to root it out. But if it

ſuffer

ſuffer the weed to grow up to any pleaſurable or contented height upon what pretext ſoever, it faſtens the root, it prunes and dreſſes vice, as if it were a good plant. Let no man doubt therefore to affirm, that it is not ſo hurtful or diſhonourable to a commonwealth, nor ſo much to the hardening of hearts, when thoſe worſe faults pretended to be feared are committed, by who ſo dares under ſtrict and executed penalty, as when thoſe leſs faults tolerated for fear of greater harden their faces, not their hearts only, under the protection of public authority. For what leſs indignity were this, than as if juſtice herſelf, the queen of virtues (deſcending from her ſceptred royalty), inſtead of conquering, ſhould compound and treat with ſin, her eternal adverſary and rebel, upon ignoble terms? or as if the judicial law were like that untruſty ſteward in the goſpel, and inſtead of calling in the debts of his moral maſter, ſhould give out ſubtile and ſly acquittances to keep himſelf from begging? or let us perſon him like ſome wretched itinerary judge, who to gratify his delinquents before him, would let them baſely break his head, leſt they ſhould pull him from the bench, and throw him over the bar. Unleſs we had rather think both moral and judicial, full of malice and deadly purpoſe, conſpired to let the debtor Iſraelite, the ſeed of Abraham, run on upon a bankrupt ſcore, flattered with inſufficent and enſnaring diſcharges, that ſo he might be hailed to a more cruel forfeit for all the indulgent arrears, which thoſe judicial acquittances had engaged him in. No, no, this cannot be, that the law whoſe integrity and faithfulneſs is next to God, ſhould be either the ſhameleſs broker of our impunities, or the intended inſtrument of our deſtruction. The method of holy correction, ſuch as became the commonwealth of Iſrael, is not to bribe ſin with ſin, to capitulate and hire out one crime with another; but with more noble and graceful ſeverity than Popilius the Roman legate uſed with Antiochus, to limit and level out the direct way from vice to virtue, with ſtraighteſt and exacteſt lines on either ſide, not winding or indenting ſo much as to the right hand of fair pretences. Violence indeed and inſurrection may force the law to ſuffer what it cannot mend; but to write

a decree in allowance of ſin, as ſoon can the hand of juſtice rot off. Let this be ever concluded as a truth that will outlive the faith of thoſe that ſeek to bear it down.

CHAP. XV.

That divorce was not given for wives only, as Beza, and Paræus write. More of the Inſtitution.

LASTLY, if divorce were granted, as Beza and others ſay, not for men, but to releaſe afflicted wives; certainly, it is not only a diſpenſation, but a moſt merciful law; and why it ſhould not yet be in force, being wholly as needful, I know not what can be in cauſe but ſenſeleſs cruelty. But yet to ſay, divorce was granted for relief of wives rather than of husbands, is but weakly conjectured, and is manifeſtly the extreme ſhift of a huddled expoſition. Whenas it could not be found how hardneſs of heart ſhould be leſſened by liberty of divorce, a fancy was deviſed to hide the flaw, by commenting that divorce was permitted only for the help of wives. Palpably uxorious! who can be ignorant, that woman was created for man, and not man for woman, and that a huſband may be injured as inſufferably in marriage as a wife? What an injury is it after wedlock not to be beloved? what to be ſlighted? what to be contended with in point of houſe-rule who ſhall be the head; not for any parity of wiſdom, for that were ſomething reaſonable, but out of a female pride? 'I ſuffer not,' ſaith St. Paul, 'the woman to uſurp authority over the man.' If the apoſtle could not ſuffer it, into what mould is he mortified that can? Solomon ſaith, 'that a bad wife is to her huſband as rottenneſs to his bones, a continual dropping. Better dwell in the corner of a houſe-top, or in the wilderneſs,' than with ſuch a one. 'Whoſo hideth her, hideth the wind, and one of the four miſchiefs which the earth cannot bear.' If the ſpirit of God wrote ſuch aggravations as theſe, and (as may be gueſſed by theſe ſimilitudes) counſels the man rather to divorce than to live with ſuch a colleague; and yet on the other ſide expreſſes nothing

of the wife's ſuffering with a bad huſband: is it not moſt likely that God in his law had more pity towards man thus wedlocked, than towards the woman that was created for another? The ſame ſpirit relates to us the courſe, which the Medes and Perſians took by occaſion of Vaſhti, whoſe mere denial to come at her huſband's ſending, loſt her the being queen any longer, and ſet up a wholeſome law, 'that every man ſhould bear rule in his own houſe.' And the divine relater ſhews us not the leaſt ſign of diſliking what was done; how ſhould he, if Moſes long before was nothing leſs mindful of the honour and preeminence due to man? So that to ſay divorce was granted for woman rather than man, was but fondly invented. Eſteeming therefore to have aſſerted thus an injured law of Moſes, from the unwarranted and guilty name of a diſpenſation, to be again a moſt equal and requiſite law, we have the word of Chriſt himſelf, that he came not to alter the leaſt tittle of it; and ſignifies no ſmall diſpleaſure againſt him that ſhall teach to do ſo. On which relying, I ſhall not much waver to affirm, that thoſe words, which are made to intimate as if they forbad all divorce, but for adultery, (though Moſes have conſtituted otherwiſe) thoſe words taken circumſcriptly, without regard to any precedent law of Moſes, or atteſtation of Chriſt himſelf, or without care to preſerve thoſe his fundamental and ſuperior laws of nature and charity, to which all other ordinances give up their ſeal, are as much againſt plain equity and the mercy of religion, as thoſe words of 'Take, eat, this is my body,' elementally underſtood, are againſt nature and ſenſe.

And ſurely the reſtoring of this degraded law hath well recompenſed the diligence was uſed by enlightening us further to find out wherefore Chriſt took off the Phariſees from alleging the law, and referred them to the firſt inſtitution; not condemning, altering, or aboliſhing this precept of divorce, which is plainly moral, for that were againſt his truth, his promiſe, and his prophetic office; but knowing how fallaciouſly they had cited and concealed the particular and natural reaſon of the law, that they might juſtify any froward reaſon of their own, he lets go that ſophiſtry unconvinced; for that had been

to teach them elſe, which his purpoſe was not. And ſince they had taken a liberty which the law gave not, he amuſes and repels their tempting pride with a perfection of Paradiſe, which the law required not; not thereby to oblige our performance to that whereto the law never enjoined the fallen eſtate of man: for if the firſt inſtitution muſt make wedlock, whatever happen, inſeparable to us, it muſt make it alſo as perfect, as meetly helpful, and as comfortable as God promiſed it ſhould be, at leaſt in ſome degree; otherwiſe it is not equal or proportionable to the ſtrength of man, that he ſhould be reduced into ſuch indiſſoluble bonds to his aſſured miſery, if all the other conditions of that covenant be manifeſtly altered.

CHAP. XVI.

How to be underſtood, that they muſt be one fleſh; and how that thoſe whom God hath joined, Man ſhould not ſunder.

NEXT he ſaith, 'they muſt be one fleſh;' which, when all conjecturing is done, will be found to import no more but to make legitimate and good the carnal act, which elſe might ſeem to have ſomething of pollution in it; and infers thus much over, that the fit union of their ſouls be ſuch as may even incorporate them to love and amity: but that can never be where no correſpondence is of the mind; nay, inſtead of being one fleſh, they will be rather two carcaſſes chained unnaturally together; or, as it may happen, a living ſoul bound to a dead corpſe; a puniſhment too like that inflicted by the tyrant Mezentius, ſo little worthy to be received as that remedy of lonelineſs, which God meant us. Since we know it is not the joining of another body will remove lonelineſs, but the uniting of another compliable mind; and that it is no bleſſing but a torment, nay a baſe and brutiſh condition to be one fleſh, unleſs where nature can in ſome meaſure fix a unity of diſpoſition. The meaning therefore of theſe words, 'For this cauſe ſhall a man leave his father and his mother, and ſhall cleave to his wife,' was firſt to ſhew us the dear affection which naturally grows in

in every not unnatural marriage, even to the leaving of parents, or other familiarity whatſoever. Next, it juſtifies a man in ſo doing, that nothing is done undutifully to father or mother. But he that ſhould be here ſternly commanded to cleave to his errour, a diſpoſition which to his he finds will never cement, a quotidian of ſorrow and diſcontent in his houſe; let us be excuſed to pauſe a little, and bethink us every way round ere we lay ſuch a flat ſoleciſm upon the gracious, and certainly not inexorable, not ruthleſs and flinty ordinance of marriage. For if the meaning of theſe words muſt be thus blocked up within their own letters from all equity and fair deduction, they will ſerve then well indeed their turn, who affirm divorce to have been granted only for wives; whenas we ſee no word of this text binds women, but men only, what it binds. No marvel then if Salomith (ſiſter to Herod) ſent a writ of eaſe to Coſtobarus her huſband, which (as Joſephus there atteſts) was lawful only to men. No marvel though Placidia, the ſiſter of Honorius, threatened the like to earl Conſtantius for a trivial cauſe, as Photius relates from Olympiodorus. No marvel any thing, if letters muſt be turned into paliſadoes, to ſtake out all requiſite ſenſe from entering to their due enlargement.

Laſtly, Chriſt himſelf tells who ſhould not be put aſunder, namely, thoſe whom God hath joined. A plain ſolution of this great controverſy, if men would but uſe their eyes; for when is it that God may be ſaid to join? when the parties and their friends conſent? No ſurely, for that may concur to lewdeſt ends. Or is it when church rites are finiſhed? Neither; for the efficacy of thoſe depends upon the preſuppoſed fitneſs of either party. Perhaps after carnal knowledge: leaſt of all; for that may join perſons whom neither law nor nature dares join. It is left, that only then when the minds are fitly diſpoſed and enabled to maintain a cheerful converſation, to the ſolace and love of each other, according as God intended and promiſed in the very firſt foundation of matrimony, 'I will make him a help-meet for him;' for ſurely what God intended and promiſed, that only can be thought to be his joining, and not the contrary. So likewiſe the

apoſtle witneſſeth, 1 Cor. vii. 15, that in marriage 'God hath called us to peace.' And doubtleſs in what reſpect he hath called us to marriage, in that alſo he hath joined us. The reſt, whom either diſproportion or deadneſs of ſpirit, or ſomething diſtaſteful and averſe in the immutable bent of nature renders conjugal, errour may have joined, but God never joined againſt the meaning of his own ordinance. And if he joined them not, then is there no power above their own conſent to hinder them from unjoining, when they cannot reap the ſobereſt ends of being together in any tolerable ſort. Neither can it be ſaid properly that ſuch twain were ever divorced, but only parted from each other, as two perſons unconjunctive are unmarriable together. But if, whom God hath made a fit help, frowardneſs or private injuries hath made unfit, that being the ſecret of marriage, God can better judge than man, neither is man indeed fit or able to decide this matter: however it be, undoubtedly a peaceful divorce is a leſs evil, and leſs in ſcandal than hateful, hard-hearted, and deſtructive continuance of marriage in the judgment of Moſes and of Chriſt, that juſtifies him in chooſing the leſs evil; which if it were an honeſt and civil prudence in the law, what is there in the goſpel forbidding ſuch a kind of legal wiſdom, though we ſhould admit the common expoſitors?

CHAP. XVII.

The ſentence of Chriſt concerning divorce how to be expounded. What Grotius hath obſerved. Other Additions.

HAVING thus unfolded thoſe ambiguous reaſons, wherewith Chriſt (as his wont was) gave to the Phariſees that came to ſound him, ſuch an anſwer as they deſerved, it will not be uneaſy to explain the ſentence itſelf that now follows; 'Whoſoever ſhall put away his wife, except it be for fornication, and ſhall marry another, committeth adultey.' Firſt therefore I will ſet down what is obſerved by Grotius upon this point, a man of general learning. Next, I produce what mine own thoughts gave

gave me before I had ſeen his annotations. Origen, ſaith he, notes that Chriſt named adultery rather as one example of other like caſes, than as one only exception; and that is frequent not only in human but in divine laws, to expreſs one kind of fact, whereby other cauſes of like nature may have the like plea, as Exod. xxi, 18, 19, 20, 26; Deut. xix, 5. And from the maxims of civil law he ſhews, that even in ſharpeſt penal laws the ſame reaſon hath the ſame right; and in gentler laws, that from like cauſes to like the law interprets rightly. But it may be objected, ſaith he, that nothing deſtroys the end of wedlock ſo much as adultery. To which he anſwers, that marriage was not ordained only for copulation, but for mutual help and comfort of life: and if we mark diligently the nature of our Saviour's commands, we ſhall find that both their beginning and their end conſiſts in charity; whoſe will is, that we ſhould ſo be good to others, as that we be not cruel to ourſelves: and hence it appears why Mark and Luke, and St. Paul to the Corinthians, mentioning this precept of Chriſt, add no exception, becauſe exceptions that ariſe from natural equity are included ſilently under general terms: it would be conſidered therefore, whether the ſame equity may not have place in other caſes leſs frequent. Thus far he. From hence is what I add: Firſt, that this ſaying of Chriſt, as it is uſually expounded, can be no law at all, that a man for no cauſe ſhould ſeparate but for adultery, except it be a ſupernatural law, not binding us as we now are; had it been the law of nature, either the Jews, or ſome other wiſe and civil nation would have preſſed it: or let it be ſo, yet that law, Deut. xxiv, 1, whereby a man hath leave to part, whenas for juſt and natural cauſe diſcovered he cannot love, is a law ancienter and deeper engraven in blameleſs nature than the other: therefore the inſpired lawgiver Moſes took care, that this ſhould be ſpecified and allowed; the other he let vaniſh in ſilence, not once repeated in the volume of his law, even as the reaſon of it vaniſhed with Paradiſe. Secondly, this can be no new command, for the goſpel enjoins no new morality, ſave only the infinite enlargement of charity, which in this reſpect is called the new commandment by St.

St. John, as being the accompliſhment of every command. Thirdly, it is no command of perfection further than it partakes of charity, which is, 'the bond of perfection.' Thoſe commands therefore, which compel us to ſelf-cruelty above our ſtrength, ſo hardly will help forward to perfection, that they hinder and ſet backward in all the common rudiments of chriſtianity, as was proved. It being thus clear, that the words of Chriſt can be no kind of command as they are vulgarly taken, we ſhall now ſee in what ſenſe they may be a command, and that an excellent one, the ſame with that of Moſes, and no other. Moſes had granted, that only for a natural annoyance, defect, or diſlike, whether in body or mind, (for ſo the Hebrew word plainly notes) which a man could not force himſelf to live with, he might give a bill of divorce, thereby forbidding any other cauſe, wherein amendment or reconciliation might have place. This law the Phariſees depraving extended to any ſlight contentious cauſe whatſoever. Chriſt therefore ſeeing where they halted, urges the negative part of the law, which is neceſſarily underſtood (for the determinate permiſſion of Moſes binds them from further licence) and checking their ſupercilious drift, declares that no accidental, temporary, or reconcilable offence (except fornication) can juſtify a divorce. He touches not here thoſe natural and perpetual hinderances of ſociety, whether in body or mind, which are not to be removed; for ſuch as they are apteſt to cauſe an unchangeable offence, ſo are they not capable of reconcilement, becauſe not of amendment: they do not break indeed, but they annihilate the bands of marriage more than adultery. For that fault committed argues not always a hatred either natural or incidental againſt whom it is committed; neither does it infer a diſability of all future helpfulneſs, or loyalty, or loving agreement, being once paſt and pardoned, where it can be pardoned: but that which naturally diſtaſtes, and 'finds no favour in the eyes' of matrimony, can never be concealed, never appeaſed, never intermitted, but proves a perpetual nullity of love and contentment, a ſolitude and dead vacation of all acceptable converſing. Moſes therefore permits divorce, but in caſes only that

that have no hands to join, and more need ſeparating than adultery. Chriſt forbids it, but in matters only that may accord, and thoſe leſs than fornication. Thus is Moſes' law here plainly confirmed, and thoſe cauſes which he permitted not a jot gainſaid. And that this is the true meaning of this place, I prove by no leſs an author than St. Paul himſelf, 1 Cor. vii, 10, 11; upon which text interpreters agree, that the apoſtle only repeats the precept of Chriſt: where while he ſpeaks of the 'wife's reconcilement to her huſband,' he puts it out of controverſy, that our Saviour meant chiefly matters of ſtrife and reconcilement; of which ſort he would not that any difference ſhould be the occaſion of divorce, except fornication. And that we may learn better how to value a grave and prudent law of Moſes, and how unadviſedly we ſmatter with our lips, when we talk of Chriſt's aboliſhing any judicial law of his great father, except in ſome circumſtances which are judaical rather than judicial, and need no aboliſhing, but ceaſe of themſelves; I ſay again, that this recited law of Moſes contains a cauſe of divorce greater beyond compare than that for adultery: and whoſo cannot ſo conceive it, errs and wrongs exceedingly a law of deep wiſdom for want of well fathoming. For let him mark, no man urges the juſt divorcing of adultery as it is a ſin, but as it is an injury to marriage; and though it be but once committed, and that without malice, whether through importunity or opportunity, the goſpel does not therefore diſſuade him who would therefore divorce; but that natural hatred whenever it ariſes, is a greater evil in marriage than the accident of adultery, a greater defrauding, a greater injuſtice, and yet not blamable, he who underſtands not after all this repreſenting, I doubt his will like a hard ſpleen draws faſter than his underſtanding can well ſanguify: nor did that man ever know or feel what it is to love truly, nor ever yet comprehend in his thoughts what the true intent of marriage is. And this alſo will be ſomewhat above his reach, but yet no leſs a truth for lack of his perſpective, that as no man apprehends what vice is ſo well as he who is truly virtuous, no man knows Hell like him who converſes moſt in Heaven;

Heaven; ſo there is none that can eſtimate the evil and the affliction of a natural hatred in matrimony, unleſs he have a ſoul gentle enough and ſpacious enough to contemplate what is true love.

And the reaſon why men ſo diſeſteem this wiſe-judging law of God, and count hate, or 'the not finding of favour,' as it is there termed, a humorous, a diſhoneſt, and ſlight cauſe of divorce, is becauſe themſelves apprehend ſo little of what true concord means: for if they did, they would be juſter in their balancing between natural hatred and caſual adultery; this being but a tranſient injury, and ſoon amended, I mean as to the party againſt whom the treſpaſs is: but that other being an unſpeakable and unremitting ſorrow and offence, whereof no amends can be made, no cure, no ceaſing but by divorce, which like a divine touch in one moment heals all, and (like the word of God) in one inſtant huſhes outrageous tempeſts into a ſudden ſtillneſs and peaceful calm. Yet all this ſo great a good of God's own enlarging to us is, by the hard reins of them that ſit us, wholly diverted and embezzled from us. Maligners of mankind! But who hath taught you to mangle thus, and make more gaſhes in the miſeries of a blameleſs creature, with the leaden daggers of your literal decrees, to whoſe eaſe you cannot add the tithe of one ſmall atom, but by letting alone your unhelpful ſurgery. As for ſuch as think wandering concupiſcence to be here newly and more preciſely forbidden than it was before; if the apoſtle can convince them, we know that we are to 'know luſt by the law,' and not by any new diſcovery of the goſpel. The law of Moſes knew what it permitted, and the goſpel knew what it forbid; he that under a peeviſh conceit of debarring concupiſcence, ſhall go about to make a novice of Moſes, (not to ſay a worſe thing, for reverence ſake) and ſuch a one of God himſelf, as is a horrour to think, to bind our Saviour in the default of a downright promiſe-breaking; and to bind the diſunions of complaining nature in chains together, and curb them with a canon bit; it is he that commits all the whoredom and adultery which himſelf adjudges, beſides the former guilt ſo manifold that lies upon him. And if none of theſe conſiderations, with

with all their weight and gravity, can avail to the diſpoſſeſſing him of his precious literaliſm, let ſome one or other entreat him but to read on in the ſame xixth of Matth. till he come to that place that ſays, 'Some make themſelves eunuchs for the kingdom of Heaven's ſake.' And if then he pleaſe to make uſe of Origen's knife, he may do well to be his own carver.

CHAP. XVIII.

Whether the words of our Saviour be rightly expounded only of actual fornication to be the cauſe of Divorce. The opinion of Grotius, with other reaſons.

BUT becauſe we know that Chriſt never gave a judicial law, and that the word Fornication is variouſly ſignificant in ſcripture, it will be much right done to our Saviour's words, to conſider diligently whether it be meant here, that nothing but actual fornication proved by witneſs can warrant a divorce; for ſo our canon law judges. Nevertheleſs, as I find that Grotius on this place hath obſerved the Chriſtian emperors, Theodoſius the IId and Juſtinian, men of high wiſdom and reputed piety, decreed it to be a divorcive fornication, if the wife attempted either againſt the knowledge, or obſtinately againſt the will of her huſband, ſuch things as gave open ſuſpicion of adulterizing, as the wilful haunting of feaſts, and invitations with men not of her near kindred, the lying forth of her houſe, without probable cauſe, the frequenting of theatres againſt her huſband's mind, her endeavour to prevent or deſtroy conception. Hence that of Jerom, 'where fornication is ſuſpected, the wife may lawfully be divorced:' not that every motion of a jealous mind ſhould be regarded, but that it ſhould not be exacted to prove all things by the viſibility of law witneſſing, or elſe to hoodwink the mind: for the law is not able to judge of theſe things but by the rule of equity, and by permitting a wiſe man to walk the middle way of prudent circumſpection, neither wretchedly jealous, nor ſtupidly and tamely patient. To this purpoſe hath Grotius in

in his notes. He ſhews alſo, that fornication is taken in ſcripture for ſuch a continual headſtrong behaviour, as tends to plain contempt of the huſband, and proves it out of Judges xix, 2, where the Levite's wife is ſaid to have played the whore againſt him; which Joſephus and the Septuagint, with the Chaldean, interpret only of ſtubbornneſs and rebellion againſt her huſband: and to this I add, that Kimchi, and the two other rabbies who gloſs the text, are in the ſame opinion. Ben Gerſom reaſons, that had it been whoredom, a Jew and a Levite would have diſdained to fetch her again. And this I ſhall contribute, that had it been whoredom, ſhe would have choſen any other place to run to than to her father's houſe, it being ſo infamous for a Hebrew woman to play the harlot, and ſo opprobrious to the parents. Fornication then in this place of the Judges is underſtood for ſtubborn diſobedience againſt the huſband, and not for adultery. A ſin of that ſudden activity, as to be already committed when no more is done, but only looked unchaſtely: which yet I ſhould be loth to judge worthy a divorce, though in our Saviour's language it be called adultery. Nevertheleſs when palpable and frequent ſigns are given, the law of God, Numb. v, ſo far gave way to the jealouſy of a man, as that the woman, ſet before the ſanctuary with her head uncovered, was adjured by the prieſt to ſwear whether ſhe were falſe or no, and conſtrained to drink that 'bitter water,' with an undoubted 'curſe of rottenneſs and tympany' to follow, unleſs ſhe were innocent. And the jealous man had not been guiltleſs before God, as ſeems by the laſt verſe, if having ſuch a ſuſpicion in his head, he ſhould neglect his trial; which if to this day it be not to be uſed, or be thought as uncertain of effect as our antiquated law of Ordalium, yet all equity will judge, that many adulterous demeanours, which are of lewd ſuſpicion and example, may be held ſufficient to incur a divorce, though the act itſelf hath not been proved. And ſeeing the generoſity of our nation is ſo, as to account no reproach more abominable than to be nicknamed the huſband of an adultereſs; that our law ſhould not be as ample as the law of God, to vindicate a man from that ignoble ſufferance, is

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our barbarous unſkilfulneſs, not conſidering that the law ſhould be exaſperated according to our eſtimation of the injury. And if it muſt be ſuffered till the act be viſibly proved, Solomon himſelf, whoſe judgment will be granted to ſurpaſs the acuteneſs of any canoniſt, confeſſes, Prov. xxx, 19, 20, that for the act of adultery it is as difficult to be found as the 'track of an eagle in the air, or the way of a ſhip in the ſea;' ſo that a man may be put to unmanly indignities ere it be found out. This therefore may be enough to inform us, that divorcive adultery is not limited by our Saviour to the utmoſt act, and that to be atteſted always by eyewitneſs, but may be extended alſo to divers obvious actions, which either plainly lead to adultery, or give ſuch preſumption whereby ſenſible men may ſuſpect the deed to be already done. And this the rather may be thought, in that our Saviour choſe to uſe the word Fornication, which word is found to ſignify other matrimonial tranſgreſſions of main breach to that covenant beſides actual adultery. For that ſin needed not the riddance of divorce, but of death by the law, which was active even till then by the example of the woman taken in adultery; or if the law had been dormant, our Saviour was more likely to have told them of their neglect, than to have let a capital crime ſilently ſcape into a divorce: or if it be ſaid, his buſineſs was not to tell them what was criminal in the civil courts, but what was ſinful at the bar of conſcience, how dare they then, having no other ground than theſe our Saviour's words, draw that into the trial of law, which both by Moſes and our Saviour was left to the juriſdiction of conſcience? But we take from our Saviour, ſay they, only that it was adultery, and our law of itſelf applies the puniſhment. But by their leave that ſo argue, the great Lawgiver of all the world, who knew beſt what was adultery, both to the Jew and to the Gentile, appointed no ſuch applying, and never likes when mortal men will be vainly preſuming to outſtrip his Juſtice.

CHAP.

CHAP. XIX.

Chriſt's manner of teaching. St. Paul adds to this matter of divorce without command, to ſhow the matter to be of equity, not of rigour. That the bondage of a Chriſtian may be as much, and his peace as little, in ſome other mariages beſides idolatrous. If thoſe arguments therefore be good in that one caſe, why not in thoſe other? Therefore the Apoſtle himſelf adds ἐν τοῖς τοιούτοις.

THUS at length we ſee both by this and other places, that there is ſcarce any one ſaying in the goſpel but muſt be read with limitations and diſtinctions to be rightly underſtood; for Chriſt gives no full comments or continued diſcourſes, but (as Demetrius the rhetorician phraſes it) ſpeaks oft in monoſyllables, like a maſter ſcattering the heavenly grain of his doctrine like pearls here and there, which requires a ſkilful and laborious gatherer, who muſt compare the words he finds with other precepts, with the end of every ordinance, and with the general analogy of evangelic doctrine: otherwiſe many particular ſayings would be but ſtrange repugnant riddles, and the Church would offend in granting divorce for frigidity, which is not here excepted with adultery, but by them added. And this was it undoubtedly, which gave reaſon to St. Paul of his own authority, as he profeſſes, and without command from the Lord, to enlarge the ſeeming conſtruction of thoſe places in the goſpel, by adding a caſe wherein a perſon deſerted, (which is ſomething leſs than divorced) may lawfully marry again. And having declared his opinion in one caſe, he leaves a further liberty for Chriſtian prudence to determine in caſes of like importance, uſing words ſo plain as not to be ſhifted off, 'that a brother or a ſiſter is not under bondage in ſuch caſes;' adding alſo, that 'God hath called us to peace' in marriage.

Now if it be plain, that a chriſtian may be brought into unworthy bondage, and his religious peace not only interrupted now and then, but perpetually and finally hindered

hindered in wedlock, by miſyoking with a diverſity of nature as well as of religion, the reaſons of St. Paul cannot be made ſpecial to that one caſe of infidelity, but are of equal moment to a divorce, wherever Chriſtian liberty and peace are without fault equally obſtructed: that the ordinance which God gave to our comfort may not be pinned upon us to our undeſerved thraldom, to be cooped up, as it were in mockery of wedlock, to a perpetual betrothed lonelineſs and diſcontent, if nothing worſe enſue. There being nought elſe of marriage left between ſuch, but a diſpleaſing and forced remedy againſt the ſting of a brute deſire: which fleſhly accuſtoming without the ſoul's union and commixture of intellectual delight, as it is rather aſoiling than a fulfilling of marriage rites, ſo is it enough to abaſe the mettle of a generous ſpirit, and ſinks him to a low and vulgar pitch of endeavour in all his actions; or, (which is worſe) leaves him in a deſpairing plight of abject and hardened thoughts: which condition rather than a good man ſhould fall into, a man uſeful in the ſervice of God and mankind, Chriſt himſelf hath taught us to diſpenſe with the moſt ſacred ordinance of his worſhip, even for a bodily healing to diſpenſe with that holy and ſpeculative reſt of ſabbath, much more then with the erroneous obſervance of an ill-knotted marriage, for the ſuſtaining of an overcharged faith and perſeverance.

CHAP. XX.

The meaning of St. Paul, that 'charity believeth all things.' What is to be ſaid to the licence which is vainly feared will grow hereby. What to thoſe who never have done preſcribing patience in this caſe. The Papiſt moſt ſevere againſt divorce, yet moſt eaſy to all licence. Of all the miſeries in marriage God is to be cleared, and the faults to be laid on man's unjuſt laws.

AND though bad cauſes would take licence by this pretext, if that cannot be remedied, upon their conſcience be it who ſhall ſo do. This was that hardneſs of heart,

and abuſe of a good law, which Moſes was content to ſuffer, rather than good men ſhould not have it at all to uſe needfully. And he who to run after one loſt ſheep left ninety-nine of his own flock at random in the wilderneſs, would little perplex his thoughts for the obduring of nine hundred and ninety ſuch as will daily take worſe liberties, whether they have permiſſion or not. To conclude, as without charity God hath given no commandment to men, ſo without it neither can men rightly believe any commandment given. For every act of true faith, as well that whereby we believe the law, as that whereby we endeavour the law, is wrought in us by charity, according to that in the divine hymn of St. Paul, 1 Cor. xiii. 'Charity believeth all things;' not as if ſhe were ſo credulous, which is the expoſiton hitherto current, for that were a trivial praiſe, but to teach us that charity is the high governeſs of our belief, and that we cannot ſafely aſſent to any precept written in the Bible, but as charity commends it to us. Which agrees with that of the ſame Apoſtle to the Eph. iv. 14, 15; where he tells us, that the way to get a ſure undoubted knowledge of things, is to hold that for truth which accords moſt with charity. Whoſe unerring guidance and conduct having followed as a loadſtar, with all diligence and fidelity, in this queſtion; I truſt (through the help of that illuminating ſpirit which hath favoured me) to have done no every day's work, in aſſerting, after many the words of Chriſt, with other ſcriptures of great concernment, from burdenſome and remorſeleſs obſcurity, tangled with manifold repugnances, to their native luſtre and conſent between each other; hereby alſo diſſolving tedious and Gordian difficulties, which have hitherto moleſted the Church of God, and are now decided not with the ſword of Alexander, but with the immaculate hands of charity, to the unſpeakable good of Chriſtendom. And let the extreme literaliſt ſit down now, and revolve whether this in all neceſſity be not the due reſult of our Saviour's words, or if he perſiſt to be otherwiſe opinioned, let him well adviſe, leſt thinking to gripe faſt the goſpel, he be found inſtead with the canon law in his fiſt: whoſe boiſterous edicts tyrannizing the bleſſed ordinance

dinance of marriage into the quality of a moſt unnatural and unchriſtianly yoke, hath given the fleſh this advantage to hate it, and turn aſide, ofttimes unwillingly, to all diſſolute uncleanneſs, even till puniſhment itſelf is weary of and overcome by the incredible frequency of trading luſt and uncontrolled adulteries. Yet men whoſe creed is cuſtom, I doubt not will be ſtill endeavouring to hide the ſloth of their own timorous capacities with this pretext, that for all this it is better to endure with patience and ſilence this affliction which God hath ſent. And I agree it is true, if this be exhorted and not enjoined; but withal it will be wiſely done to be as ſure as may be, that what man's iniquity hath laid on be not imputed to God's ſending, leſt under the colour of an affected patience we detain ourſelves at the gulf's mouth of many hideous temptations, not to be withſtood without proper gifts, which (as Perkins well notes) God gives not ordinarily, no not to moſt earneſt prayers. Therefore we pray, 'Lead us not into temptation;' a vain prayer, if, having led ourſelves thither, we love to ſtay in that perilous condition. God ſends remedies as well as evils, under which he who lies and groans, that may lawfully acquit himſelf, is acceſſory to his own ruin; nor will it excuſe him though he ſuffer through a ſluggiſh fearfulneſs to ſearch thoroughly what is lawful, for fear of diſquieting the ſecure falſity of an old opinion. Who doubts not but that it may be piouſly ſaid, to him who would diſmiſs his frigidity, Bear your trial, take it as if God would have you live this life of continence? if he exhort this, I hear him as an angel, though he ſpeak without warrant; but if he would compel me, I know him for Satan. To him who divorces an adultereſs, piety might ſay, pardon her; you may ſhow much mercy, you may win a ſoul: yet the law both of God and man leaves it freely to him: for God loves not to plough out the heart of our endeavours with overhard and ſad taſks. God delights not to make a drudge of virtue, whoſe actions muſt be all elective and unconſtrained. Forced virtue is as a bolt overſhot, it goes neither forward nor backward, and does no good as it ſtands. Seeing therefore that neither Scripture nor reaſon hath laid this unjuſt

auſterity upon divorce, we may reſolve that nothing elſe hath wrought it but that letter-bound ſervility of the canon doctors, ſuppoſing marriage to be a ſacrament; and out of the art they have to lay unneceſſary burdens upon all men, to make a fair ſhow in the fleſhly obſervance of matrimony, though peace and love with all other conjugal reſpects fare never ſo ill. And indeed the papiſts, who are the ſtricteſt forbidders of divorce, are the eaſieſt libertines to admit of groſſeſt uncleanneſs; as if they had a deſign by making wedlock a ſupportleſs yoke, to violate it moſt, under colour of preſerving it moſt inviolable; and withal delighting (as their myſtery is) to make men the day labourers of their own afflictions, as if there were ſuch a ſcarcity of miſeries from abroad, that we ſhould be made to melt our choiceſt home bleſſings, and coin them into croſſes, for want whereby to hold commerce with patience. If any therefore who ſhall hap to read this diſcourſe, hath been through miſadventure ill engaged in this contracted evil here complained of, and finds the fits and workings of a high impatience frequently upon him; of all thoſe wild words which men in miſery think to eaſe themſelves by uttering, let him not open his lips againſt the providence of Heaven, or tax the ways of God and his divine truth: for they are equal, eaſy, and not burdenſome: nor do they ever croſs the juſt and reaſonable deſires of men, nor involve this our portion of mortal life into a neceſſity of ſadneſs and malecontent, by laws commanding over the unreducible antipathies of nature, ſooner or later found, but allow us to remedy and ſhake off thoſe evils into which human errour hath led us through the midſt of our beſt intentions, and to ſupport our incident extremities by that authentic precept of ſovereign charity, whoſe grand commiſſion is to do and to diſpoſe over all the ordinances of God to man, that love and truth may advance each other to everlaſting. While we, literally ſuperſtitious, through cuſtomary faintneſs of heart, not venturing to pierce with our free thoughts into the full latitude of nature and religion, abandon ourſelves to ſerve under the tyranny of uſurped opinions; ſuffering thoſe ordinances which were allotted to our ſolace and reviving, to trample

ple over us, and hale us into a multitude of ſorrows, which God never meant us. And where he ſets us in a fair allowance of way, with honeſt liberty and prudence to our guard, we never leave ſubtilizing and caſuiſting till we have ſtraitened and pared that liberal path into a razor's edge to walk on; between a precipice of unneceſſary miſchief on either ſide, and ſtarting at every falſe alarm, we do not know which way to ſet a foot forward with manly confidence and Chriſtian reſolution, through the confuſed ringing in our ears of panic ſcruples and amazements.

CHAP. XXI.

That the matter of divorce is not to be tried by law, but by conſcience, as many other ſins are. The magiſtrate can only ſee that the condition of the divorce be juſt and equal. The opinion of Fagius, and the reaſons of this aſſertion.

ANOTHER act of papal encroachment it was, to pluck the power and arbitrement of divorce from the maſter of the family, into whoſe hands God and the law of all nations had put it, and Chriſt ſo left it, preaching only to the conſcience, and not authorizing a judicial court to toſs about and divulge the unaccountable and ſecret reaſon of diſaffection between man and wife, as a thing moſt improperly anſwerable to any ſuch kind of trial. But the popes of Rome, perceiving the great revenue and high authority it would give them even over princes, to have the judging and deciding of ſuch a main conſequence in the life of man as was divorce; wrought ſo upon the ſuperſtition of thoſe ages, as to diveſt them of that right, which God from the beginning had entruſted to the huſband: by which means they ſubjected that ancient and naturally domeſtic prerogative to an external and unbefitting judicature. For although differences in divorce about dowries, jointures, and the like, beſides the puniſhing of adultery, ought not to paſs without referring, if need be, to the magiſtrate; yet that the abſolute and final hindering of divorce cannot belong to any civil or earthly power, againſt the will and conſent of both parties, or of

the huſband alone, ſome reaſons will be here urged as ſhall not need to decline the touch. But firſt I ſhall recite what hath been already yielded by others in favour of this opinion. Grotius and many more agree, that notwithſtanding what Chriſt ſpake therein to the Conſcience, the magiſtrate is not thereby enjoined aught againſt the preſervation of civil peace, of equity, and of convenience. And among theſe Fagius is moſt remarkable, and gives the ſame liberty of pronouncing divorce to the Chriſtian magiſtrate as the Moſaic had. 'For whatever, ſaith he, Chriſt ſpake to the regenerate, the judge hath to deal with the vulgar: if therefore any through hardneſs of heart will not be a tolerable wife to her huſband, it will be lawful as well now as of old to paſs the bill of divorce, not by private but by public authority. Nor doth man ſeperate them then, but God by his law of divorce given by Moſes. What can hinder the magiſtrate from ſo doing, to whoſe government all outward things are ſubject, to ſeparate and remove from perpetual vexation, and no ſmall danger, thoſe bodies whoſe minds are already ſeparate; it being his office to procure peaceable and convenient living in the commonwealth; and being as certain alſo, that they ſo neceſſarily ſeparated cannot all receive a ſingle life?' And this I obſerve, that our divines do generally condemn ſeparation of bed and board, without the liberty of ſecond choice: if that therefore in ſome caſes be moſt purely neceſſary, (as who ſo blockiſh to deny?) then is this alſo as needful. Thus far by others is already well ſtepped, to inform us that divorce is not a matter of law, but of charity: if there remain a furlong yet to end the queſtion, theſe following reaſons may ſerve to gain it with any apprehenſion not too unlearned or too wayward. Firſt, becauſe oftimes the cauſes of ſeeking divorce reſide ſo deeply in the radical and innocent affections of nature, as is not within the dioceſe of law to tamper with. Other relations may aptly enough be held together by a civil and virtuous love: but the duties of man and wife are ſuch as are chiefly converſant in that love which is moſt ancient and merely natural, whoſe two prime ſtatutes are to join itſelf to that which is good, and acceptable, and friendly; and to turn aſide

and depart from what is diſagreeable, diſpleaſing, and unlike: of the two this latter is the ſtrongeſt, and moſt equal to be regarded: for although a man may often be unjuſt in ſeeking that which he loves, yet he can never be unjuſt or blamable in retiring from his endleſs trouble and diſtaſte, when as his tarrying can redound to no true content on either ſide. Hate is of all things the mightieſt divider, nay is diviſion itſelf. To couple hatred therefore, though wedlock try all her golden links, and borrow to her aid all the iron manacles and fetters of law, it does but ſeek to twiſt a rope of ſand, which was a taſk they ſay that poſed the devil: and that ſluggiſh fiend in hell, Ocnus, whom the poems tell of, brought his idle cordage to as good effect, which never ſerved to bind with, but to feed the aſs that ſtood at his elbow. And that the reſtrictive law againſt divorce attains a little to bind any thing truly in a disjointed marriage, or to keep it bound, but ſerves only to feed the ignorance and definitive impertinence of a doltiſh canon, were no abſurd alluſion. To hinder therefore thoſe deep and ſerious regreſſes of nature in a reaſonable ſoul, parting from that miſtaken help, which he juſtly ſeeks in a perſon created for him, recollecting himſelf from an unmeet help which was never meant, and to detain him by compulſion in ſuch an unpredeſtined miſery as this, is in diameter againſt both nature and inſtitution: but to interpoſe a juriſdictive power over the inward and irremediable diſpoſition of man, to command love and ſympathy, to forbid diſlike againſt the guiltleſs inſtinct of nature, is not within the province of any law to reach; and were indeed an uncommodious rudeneſs, not a juſt power: for that law may bandy with nature, and traverſe her ſage motions, was an errour in Callicles the rhetorician, whom Socrates from high principles confutes in Plato's Gorgias. If therefore divorce may be ſo natural, and that law and nature are not to go contrary; then to forbid divorce compulſively, is not only againſt nature, but againſt law.

Next, it muſt be remembered, that all law is for ſome good, that may be frequently attained without the admixture of a worſe inconvenience; and therefore many groſs faults, as ingratitude and the like, which are too far within

the ſoul to be cured by conſtraint of law, are left only to be wrought on by conſcience and perſuaſion. Which made Ariſtotle, in the 10th of his Ethics to Nicomachus, aim at a kind of diviſion of law into private or perſuaſive, and public or compulſive. Hence it is, that the law forbidding divorce never attains to any good end of ſuch prohibition, but rather multiplies evil. For if nature's reſiſtleſs ſway in love or hate be once compelled, it grows careleſs of itſelf, vicious, uſeleſs to friends, unſerviceable and ſpiritleſs to the commonwealth. Which Moſes rightly foreſaw, and all wiſe lawgivers that ever knew man, what kind of creature he was. The parliament alſo and clergy of England were not ignorant of this, when they conſented that Harry the VIII might put away his queen Anne of Cleve, whom he could not like after he had been wedded half a year; unleſs it were that, contrary to the proverb, they made a neceſſity of that which might have been a virtue in them to do: for even the freedom and eminence of man's creation gives him to be a law in this matter to himſelf, being the head of the other ſex which was made for him; whom therefore though he ought not to injure, yet neither ſhould he be forced to retain in ſociety to his own overthrow, nor to hear any judge therein above himſelf. It being alſo an unſeemly affront to the ſequeſtered and veiled modeſty of that ſex, to have her unpleaſingneſs and other concealments bandied up and down, and aggravated in open court by thoſe hired maſters of tongue-fence. Such uncomely exigencies it befel no leſs a majeſty than Henry the VIII to be reduced to, who, finding juſt reaſon in his conſcience to forego his brother's wife, after many indignities of being deluded, and made a boy of by thoſe his two cardinal judges, was conſtrained at laſt, for want of other proof, that ſhe had been carnally known by prince Arthur, even to uncover the nakedneſs of that virtuous lady, and to recite openly the obſcene evidence of his brother's chamberlain. Yet it pleaſed God to make him ſee all the tyranny of Rome, by diſcovering this which they exerciſed over divorce, and to make him the beginner of a reformation to this whole kingdom, by firſt aſſerting into his familiary power the right of juſt divorce. It is true, an adultereſs

adultereſs cannot be ſhamed enough by any public proceeding; but the woman whoſe honour is not appeached is leſs injured by a ſilent diſmiſſion, being otherwiſe not illiberally dealt with, than to endure a clamouring debate of utterleſs things, in a buſineſs of that civil ſecrecy and difficult diſcerning, as not to be overmuch queſtioned by neareſt friends. Which drew that anſwer from the greateſt and worthieſt Roman of his time, Paulus Emilius, being demanded why he would put away his wife for no viſible reaſon? 'This ſhoe,' ſaid he, and held it out on his foot, 'is a neat ſhoe, a new ſhoe, and yet none of you know where it wrings me:' much leſs by the unfamiliar cognizance of a feed gameſter can ſuch a private difference be examined, neither ought it.

Again, if law aim at the firm eſtabliſhment and preſervation of matrimonial faith, we know that cannot thrive under violent means, but is the more violated. It is not when two unfortunately met are by the canon forced to draw in that yoke an unmerciful day's work of ſorrow till death unharneſs them, that then the law keeps marriage moſt unviolated and unbroken; but when the law takes order, that marriage be accountant and reſponſible to perform that ſociety, whether it be religious, civil, or corporal, which may be conſcionably required and claimed therein; or elſe to be diſſolved if it cannot be undergone. This is to make marriage moſt indiſſoluble, by making it a juſt and equal dealer, a performer of thoſe due helps, which inſtituted the covenant; being otherwiſe a moſt unjuſt contract, and no more to be maintained under tuition of law, than the vileſt fraud, or cheat, or theft that may be committed. But becauſe this is ſuch a ſecret kind of fraud or theft, as cannot be diſcerned by law but only by the plaintiff himſelf; therefore to divorce was never counted a political or civil offence, neither to Jew nor Gentile, nor by any judicial intendment of Chriſt, further than could be diſcerned to tranſgreſs the allowance of Moſes, which was of neceſſity ſo large, that it doth all one as if it ſent back the matter undeterminable at law, and intractable by rough dealing, to have inſtructions and admonitions beſtowed about it by them whoſe ſpiritual office is to adjure and to denounce,

nounce, and ſo left to the conſcience. The law can only appoint the juſt and equal conditions of divorce, and is to look how it is an injury to the divorced, which in truth it can be none, as a mere ſeparation; for if ſhe conſent, wherein has the law to right her? or conſent not, then is it either juſt, and ſo deſerved; or if unjuſt, ſuch in all likelihood was the divorcer: and to part from an unjuſt man is a happineſs, and no injury to be lamented. But ſuppoſe it to be an injury, the law is not able to amend it, unleſs ſhe think it other than a miſerable redreſs, to return back from whence ſhe was expelled, or but intreated to be gone, or elſe to live apart ſtill married without marriage, a married widow. Laſt, if it be to chaſten the divorcer, what law puniſhes a deed which is not moral but natural, a deed which cannot certainly be found to be an injury? or how can it be puniſhed by prohibiting the divorce, but that the innocent muſt equally partake both in the ſhame and in the ſmart? So that which way ſoever we look, the law can to no rational purpoſe forbid divorce, it can only take care that the conditions of divorce be not injurious. Thus then we ſee the trial of law, how impertinent it is to this queſtion of divorce, how helpleſs next, and then how hurtful.

CHAP. XXII.

The laſt reaſon why divorce is not to be reſtrained by law, it being againſt the law of nature and of nations. The larger proof whereof referred to Mr. Selden's book, 'De Jure Naturali & Gentium.' An objection of Paræus anſwered. How it ought to be ordered by the church. That this will not breed any worſe inconvenience, nor ſo bad as is now ſuffered.

THEREFORE the laſt reaſon, why it ſhould not be, is the example we have, not only from the nobleſt and wiſeſt commonwealths, guided by the cleareſt light of human knowledge, but alſo from the divine teſtimonies of God himſelf, lawgiving in perſon to a ſanctified people. That all this is true, whoſo deſires to know at large with leaſt

leaſt pains, and expects not here overlong rehearſals of that which is by others already ſo judiciouſly gathered; let him haſten to be acquainted with that noble volume written by our learned Selden, 'Of the Law of Nature and of Nations,' a work more uſeful and more worthy to be peruſed by whoſoever ſtudies to be a great man in wiſdom, equity, and juſtice, than all thoſe, 'decretals and ſumleſs ſums,' which the pontifical clerks have doted on, ever ſince that unfortunate mother famouſly ſinned thrice, and died impenitent of her bringing into the world thoſe two miſbegotten infants, and for ever infants, Lombard and Gratian, him the compiler of canon iniquity the other the Tubalcain of ſcholaſtic ſophiſtry, whoſe overſpreading barbariſm hath not only infuſed their own baſtardy upon the fruitfulleſt part of human learning, not only diſſipated and dejected the clear light of nature in us, and of nations, but hath tainted alſo the fountains of divine doctrine, and rendered the pure and ſolid law of God unbeneficial to us by their calumnious dunceries. Yet this law, which their unſkilfulneſs hath made liable to all ignominy, the purity and wiſdom of this law ſhall be the buckler of our diſpute. Liberty of divorce we claim not, we think not but from this law; the dignity, the faith, the authority thereof is now grown among Chriſtians, O aſtoniſhment! a labour of no mean difficulty and envy to defend. That it ſhould not be counted a faultering diſpenſe, a flattering permiſſion of ſin, the bill of adultery, a ſnare, is the expenſe of all this apology. And all that we ſolicit is, that it may be ſuffered to ſtand in the place where God ſet it, amidſt the firmament of his holy laws, to ſhine, as it was wont, upon the weakneſſes and errours of men, periſhing elſe in the ſincerity of their honeſt purpoſes: for certain there is no memory of whoredoms and adulteries left among us now, when this warranted freedom of God's own giving is made dangerous and diſcarded for a ſcroll of licence. It muſt be your ſuffrages and votes, O Engliſhmen, that this exploded decree of God and Moſes may ſcape and come off fair, without the cenſure of a ſhameful abrogating: which, if yonder ſun ride ſure, and means not to break word with us to morrow, was never yet abrogated by our Saviour. Give ſentence

tence if you pleaſe, that the frivolous canon may reverſe the infallible judgment of Moſes and his great director. Or if it be the reformed writers, whoſe doctrine perſuades this rather, their reaſons I dare affirm are all ſilenced, unleſs it be only this. Paræus on the Corinthians would prove, that hardneſs of heart in divorce is no more now to be permitted, but to be amerſed with fine and impriſonment. I am not willing to diſcover the forgettings of reverend men, yet here I muſt: what article or clauſe of the whole new covenant can Paræus bring, to exaſperate the judicial law upon any infirmity under the goſpel? I ſay infirmity, for if it were the high hand of ſin, the law as little would have endured it as the goſpel; it would not ſtretch to the dividing of an inheritance; it refuſed to condemn adultery, not that theſe things ſhould not be done at law, but to ſhew that the goſpel hath not the leaſt influence upon judicial courts, much leſs to make them ſharper and more heavy, leaſt of all to arraign before a temporal judge that which the law without ſummons acquitted. 'But,' ſaith he; 'the law was the time of youth, under violent affections; the goſpel in us is mature age, and ought to ſubdue affections.' True, and ſo ought the law too, if they be found inordinate, and not merely natural and blameleſs. Next I diſtinguiſh, that the time of the law is compared to youth and pupilage in reſpect of the ceremonial part, which led the Jews as children through corporal and gariſh rudiments, until the fulneſs of time ſhould reveal to them the higher leſſons of faith and redemption. This is not meant of the moral part, therein it ſoberly concerned them not to be babies, but to be men in good earneſt: the ſad and awful majeſty of that law was not to be jeſted with: to bring a bearded nonage with laſcivious diſpenſations before that throne, had been a lewd affront, as it is now a groſs miſtake. But what diſcipline is this, Paræus, to nouriſh violent affections in youth, by cockering and wanton indulgencies, and to chaſtiſe them in mature age with a boyiſh rod of correction? How much more coherent is it to Scripture, that the law as a ſtrict ſchoolmaſter ſhould have puniſhed every treſpaſs without indulgence ſo baneful to youth, and that the goſpel ſhould now correct

rect that by admonition and reproof only, in free and mature age, which was puniſhed with ſtripes in the childhood and bondage of the law? What therefore it allowed then ſo fairly, much leſs is to be whipped now, eſpecially in penal courts: and if it ought now to trouble the conſcience, why did that angry accuſer and condemner law reprieve it? So then, neither from Moſes nor from Chriſt hath the magiſtrate any authority to proceed againſt it. But what, ſhall then the diſpoſal of that power return again to the maſter of a family? Wherefore not, ſince God there put it, and the preſumptuous canon thence bereſt it? This only muſt be provided, that the ancient manner be obſerved in the preſence of the miniſter and other grave ſelected elders, who after they ſhall have admoniſhed and preſſed upon him the words of our Saviour, and he ſhall have proteſted in the faith of the eternal goſpel, and the hope he has of happy reſurrection, that otherwiſe than thus he cannot do, and thinks himſelf and this his caſe not contained in that prohibition of divorce which Chriſt pronounced, the matter not being of malice, but of nature, and ſo not capable of reconciling; to conſtrain him further were to unchriſten him, to unman him, to throw the mountain of Sinai upon him, with the weight of the whole law to boot, flat againſt the liberty and eſſence of the goſpel; and yet nothing available either to the ſanctity of marriage, the good of huſband, wife, or children, nothing profitable either to church or commonwealth, but hurtful and pernicious in all theſe reſpects. But this will bring in confuſion: yet theſe cautious miſtruſters might conſider, that what they thus object lights not upon this book, but upon that which I engage againſt them, the book of God and Moſes, with all the wiſdom and providence which had forecaſt the worſt of confuſion that could ſucceed, and yet thought fit of ſuch a permiſſion. But let them be of good cheer, it wrought ſo little diſorder among the Jews, that from Moſes till after the captivity, not one of the prophets thought it worth the rebuking; for that of Malachi well looked into will appear to be not againſt divorcing, but rather againſt keeping ſtrange concubines, to the vexation of their Hebrew wives. If therefore we Chriſtians may be thought

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as good and tractable as the Jews were, (and certainly the prohibitors of divorce preſume us to be better,) then leſs confuſion is to be feared for this among us than was among them. If we be worſe, or but as bad, which lamentable examples confirm we are, then have we more, or at leaſt as much, need of this permitted law, as they to whom God therefore gave it (as they ſay) under a harſher covenant. Let not therefore the frailty of man go on thus inventing needleſs troubles to itſelf, to groan under the falſe imagination of a ſtrictneſs never impoſed from above; enjoining that for duty, which is an impoſſible and vain ſupererogating. 'Be not righteous overmuch,' is the counſel of Eccleſiaſtes; 'why ſhouldſt thou deſtroy thyſelf?' Let us not be thus overcurious to ſtrain at atoms, and yet to ſtop every vent and cranny of permiſſive liberty, leſt nature wanting thoſe needful pores and breathing-places, which God hath not debarred our weakneſs, either ſuddenly break out into ſome wide rupture of open vice and frantic hereſy, or elſe inwardly feſter with repining and blaſphemous thoughts, under an unreaſonable and fruitleſs rigour of unwarranted law. Againſt which evils nothing can more beſeem the religion of the church, or the wiſdom of the ſtate, than to conſider timely and provide. And in ſo doing let them not doubt but they ſhall vindicate the miſreputed honour of God and his great lawgiver, by ſuffering him to give his own laws according to the condition of man's nature beſt known to him, without the unſufferable imputation of diſpenſing legally with many ages of ratified adultery. They ſhall recover the miſattended words of Chriſt to the ſincerity of their true ſenſe from manifold contradictions, and ſhall open them with the key of charity. Many helpleſs Chriſtians they ſhall raiſe from the depth of ſadneſs and diſtreſs, utterly unfitted as they are to ſerve God or man: many they ſhall reclaim from obſcure and giddy ſects, many regain from diſſolute and brutiſh licence, many from deſperate hardneſs, if ever that were juſtly pleaded. They ſhall ſet free many daughters of Iſrael, not wanting much of her ſad plight whom 'Satan had bound eighteen years.' Man they ſhall reſtore to his juſt dignity and prerogative in nature, preferring the ſoul's free

free peace before the promiſcuous draining of a carnal rage. Marriage, from a perilous hazard and ſnare, they ſhall reduce to be a more certain haven and retirement of happy ſociety; when they ſhall judge according to God and Moſes (and how not then according to Chriſt) when they ſhall judge it more wiſdom and goodneſs to break that covenant ſeemingly, and keep it really, than by compulſion of law to keep it ſeemingly, and by compulſion of blameleſs nature to break it really, at leaſt if it were ever truly joined. The vigour of diſcipline they may then turn with better ſucceſs upon the proſtitute looſeneſs of the times, when men, finding in themſelves the infirmities of former ages, ſhall not be conſtrained above the gift of God in them to unprofitable and impoſſible obſervances, never required from the civileſt, the wiſeſt, the holieſt nations, whoſe other excellencies in moral virtue they never yet could equal. Laſt of all, to thoſe whoſe mind is ſtill to maintain textual reſtrictions, whereof the bare ſound cannot conſiſt ſometimes with humanity, much leſs with charity; I would ever anſwer, by putting them in remembrance of a command above all commands, which they ſeem to have forgot, and who ſpake it: in compariſon whereof, this which they ſo exalt is but a petty and ſubordinate precept. 'Let them go' therefore with whom I am loth to couple them, yet they will needs run into the ſame blindneſs with the Phariſees; 'let them go therefore,' and conſider well what this leſſon means, 'I will have mercy and not ſacrifice;' for on that 'ſaying all the law and prophets depend,' much more the goſpel, whoſe end and excellence is mercy and peace. Or if they cannot learn that, how will they hear this? which yet I ſhall not doubt to leave with them as a concluſion, That God the Son hath put all other things under his own feet, but his commandments he hath left all under the feet of charity.

THE

THE JUDGMENT OF MARTIN BUCER,

CONCERNING

DIVORCE:

Written to Edward the Sixth, in his Second Book of the Kingdom of Chriſt: and now engliſhed.

WHEREIN A LATE BOOK,

Reſtoring the 'Doctrine and Diſcipline of Divorce,' is here confirmed and juſtified by the authority of MARTIN BUCER.

TO THE PARLIAMENT OF ENGLAND.

John iii, 10: 'Art thou a Teacher of Iſrael, and knoweſt not theſe things?'

PUBLISHED BY AUTHORITY.

Teſtimonies of the high approbation which learned men have given of MARTIN BUCER.

Simon Grinæus, 1533.

AMONG all the Germans, I give the palm to Bucer, for excellence in the ſcriptures. Melancthon in human learning is wonderous fluent; but greater knowledge in the ſcripture I attribute to Bucer, and ſpeak it unfeignedly.

John Calvin, 1539.

Martin Bucer, a moſt faithful doctor of the church of Chriſt, beſides his rare learning, and copious knowledge of many things, beſides his clearneſs of wit, much reading, and other many and various virtues, wherein he is almoſt by none now living excelled, hath few equals, and excells moſt; hath this praiſe peculiar to himſelf, that none in this age hath uſed exacter diligence in the expoſition of ſcripture.

And a little beneath.

Bucer is more large than to be read by overbuſied men, and too high to be eaſily underſtood by unattentive men, and of a low capacity.

Sir

Sir John Cheek, Tutor to King Edward VI, 1551

We have loſt our maſter, than whom the world ſcarce held a greater, whether we conſider his knowledge of true religion, or his integrity and innocence of life, or his inceſſant ſtudy of holy things, or his matchleſs labour of promoting piety, or his authority and amplitude of teaching, or whatever elſe was praiſe-worthy and glorious in him. Script. Anglican. pag. 864.

John Sturmius of Straſburgh.

No man can be ignorant what a great and conſtant opinion and eſtimation of Bucer there is in Italy, France, and England. Whence the ſaying of Quintilian hath oft come to my mind, that he hath well profited in eloquence whom Cicero pleaſes. The ſame ſay I of Bucer, that he hath made no ſmall progreſs in divinity, whom Bucer pleaſes; for in his volumes, which he wrote very many, there is the plain impreſſion to be diſcerned of many great virtues, of diligence, of charity, of truth, of acuteneſs, of judgment, of learning. Wherein he hath a certain proper kind of writing, whereby he doth not only teach the reader, but affects him with the ſweetneſs of his ſentences, and with the manner of his arguing, which is ſo teaching, and ſo logical, that it may be perceived how learnedly he ſeparates probable reaſons from neceſſary, how forcibly he confirms what he has to prove, how ſubtilely he tefutes, not with ſharpneſs but with truth.

Theodore Beza, on the Portraiture of M. Bucer.

This is that countenance of Bucer, the mirror of mildneſs tempered with gravity; to whom the city of Straſburgh owes the reformation of her church. Whoſe ſingular learning, and eminent zeal, joined with excellent wiſdom, both his learned books, and public diſputations in the general diets of the empire, ſhall witneſs to all ages. Him the German perſecution drove into England; where honourably entertained by Edward the VIth, he was for two years chief profeſſor of divinity in Cambridge, with greateſt frequency and applauſe of all learned and pious men until his death, 1551. Bezæ Icones.

Mr. Fox's Book of Martyrs, Vol. III, p. 763.

Bucer, what by writing, but chiefly by reading and preaching openly, wherein being painful in the word of God, he never ſpared himſelf, nor regarded his health, brought all men into ſuch an admiration of him, that neither his friends could ſufficiently praiſe him, nor his enemies in any point find fault with his ſingular life, and ſincere doctrine. A moſt certain token whereof may be his ſumptuous burial at Cambridge, ſolemnized with ſo great an aſſiſtance of all the univerſity, that it was not poſſible to deviſe more to the ſetting out and amplifying of the ſame.

Dr. Pern, the Popiſh Vicechancellor of Cambridge, his Adverſary.

Cardinal Pool, about the fourth year of queen Mary, intending to reduce the univerſity of Cambridge to popery again, thought no way ſo effectual, as to cauſe the bones of Martin Bucer and Paulus Fagius, which had been four years in the grave, to be taken up and burnt openly with their books, as knowing that thoſe two worthy men had been of greateſt moment to the reformation of that place from popery, and had left ſuch powerful ſeeds of their doctrine behind them, as would never die, unleſs the men themſelves were digged up, and openly condemned for heretics by the univerſity itſelf. This was put in execution, and doctor Pern, vicechancellor, appointed to preach againſt Bucer: who, among other things, laid to his charge the opinions, which he held of the marriage of prieſts, of divorcement, and of uſury. But immediately after his ſermon or ſomewhat before, as the Book of Martyrs for a truth relates, Vol. III, p. 770, the ſaid doctor Pern ſmiting himſelf on the breaſt, and in manner weeping, wiſhed with all his heart, that God would grant his ſoul might then preſently depart, and remain with Bucer's; for he knew his life was ſuch, that if any man's ſoul were worthy of Heaven, he thought Bucer's in ſpecial to be moſt worthy. Hiſtor. de Combuſt. Buceri & Fagii.

Acworth, the Univerſity-orator.

Soon after that queen Elizabeth came to the crown, this condemnation of Bucer and Fagius by the cardinal and

and his doctors was ſolemnly repealed by the univerſity; and the memory of thoſe two famous men celebrated in an oration by Acworth, the Univerſity-orator, which is yet extant in the Book of Martyrs, Vol. III, p. 773, and in Latin, Scripta Anglican. p. 936.

Nicholas Carre, a learned man; Walter Haddon, maſter of the requeſts to queen Elizabeth; Matthew Parker, afterwards primate of England, with other eminent men, in their funeral orations and ſermons, expreſs abundantly how great a man Martin Bucer was; what an incredible loſs England ſuſtained in his death; and that with him died the hope of a perfect reformation for that age. Ibid.

Jacobus Verheiden of Grave, in his elogies of famous divines.

Though the name of Martin Luther be famous, yet thou Martin Bucer, for piety, learning, labour, care, vigilance, and writing, art not to be held inferiour to Luther. Bucer was a ſingular inſtrument of God, ſo was Luther. By the death of this moſt learned and moſt faithful man, the church of Chriſt ſuſtained a heavy loſs, as Calvin witneſſeth; and they who are ſtudious of Calvin are not ignorant how much he aſcribes to Bucer; for thus he writes in a letter to Viretus: "What a manifold loſs befel the church of God in the death of Bucer, as oft as I call to mind, I feel my heart almoſt rent aſunder."

Peter Martyr Epiſt. to Conradus Hubertus.

He is dead, who hath overcome in many battles of the Lord. God lent us for a time this our father, and our teacher, never enough praiſed. Death hath divided me from a moſt unanimous friend, one truly according to mine own heart. My mind is overpreſſed with grief, inſomuch that I have not power to write more. I bid thee in Chriſt farewel, and wiſh thou mayſt be able to bear the loſs of Bucer, better than I can bear it.

Teſtimonies given by learned men to Paulus Fagius, who held the ſame opinion with Martin Bucer concerning divorce.

Paulus Fagius, born in the Palatinate, became moſt

ſkilful in the Hebrew tongue. Being called to the miniſtry at Iſna, he publiſhed many ancient and profitable Hebrew books, being aided in the expenſes by a ſenator of that city, as Origen ſometime was by a certain rich man called Ambroſius. At length invited to Straſburgh, he there famouſly diſcharged the office of a teacher; until the ſame perſecution drove him and Bucer into England, where he was preferred to a profeſſor's place in Cambridge, and ſoon after died. Bezæ Icones.

Melchior Adamus writes his life among the famous German divines.

Sleidan and Thuanus mention him with honour in their hiſtory: and Verheiden in his elogies.

To the PARLIAMENT.

THE Book which, among other great and high points of reformation, contains as a principal part thereof, this treatiſe here preſented, ſupreme court of parliament! was, by the famous author Martin Bucer, dedicated to Edward the VI: whoſe incomparable youth doubtleſs had brought forth to the church of England ſuch a glorious manhood, had his life reached it, as would have left in the affairs of religion nothing without an excellent pattern for us now to follow. But ſince the ſecret purpoſe of divine appointment hath reſerved no leſs perhaps than the juſt half of ſuch a ſacred work to be accompliſhed in this age, and principally, as we truſt, by your ſucceſsful wiſdom and authority, religious lords and commons! what wonder if I ſeek no other, to whoſe exacteſt judgment and review I may commend theſe laſt and worthieſt labours of this renowned teacher; whom living all the pious nobility of thoſe reforming times, your trueſt and beſt-imitated anceſtors, reverenced and admired. Nor was he wanting to a recompenſe as great as was himſelf; when both at many times before, and eſpecially among his laſt ſighs and prayers, teſtifying his dear and fatherly affection to the church and realm of England, he ſincerely wiſhed in the hearing of many devout men, "that what he had in his laſt book written to king Edward

ward concerning diſcipline might have place in this kingdom. His hope was then, that no calamity, no confuſion, or deformity would happen to the commonwealth; but otherwiſe he feared, leſt in the midſt of all this ardency to know God, yet by the neglect of diſcipline, our good endeavours would not ſucceed."* Theſe remarkable words of ſo godly and ſo eminent a man at his death, as they are related by a ſufficient and well-known witneſs, who heard them, and inſerted by Thuanus into his grave and ſerious hiſtory; ſo ought they to be chiefly conſidered by that nation, for whoſe ſake they were uttered, and more eſpecially by that general council, which repreſents the body of that nation. If therefore the book, or this part thereof, for neceſſary cauſes, be now revived and recommended to the uſe of this undiſciplined age; it hence appears, that theſe reaſons have not erred in the choice of a fit patronage for a diſcourſe of ſuch importance. But why the whole tractate is not here brought entire, but this matter of divorcement ſelected in particular, to prevent the full ſpeed of ſome miſinterpreter, I haſten to diſcloſe. Firſt, it will be ſoon manifeſt to them who know what wiſe men ſhould know, that the conſtitution and reformation of a commonwealth, if Ezra and Nehemiah did not miſreform, is, like a building, to begin orderly from the foundation thereof, which is marriage and the family, to ſet right firſt whatever is amiſs therein. How can there elſe grow up a race of warrantable men, while the houſe and home that breeds them is troubled and diſquieted under a bondage not of God's conſtraining with a natureleſs conſtraint (if his moſt righteous judgments may be our rule) but laid upon us imperiouſly in the worſt and weakeſt ages of knowledge, by a canonical tyranny of ſtupid and malicious monks? who having raſhly vowed themſelves to a ſingle life, which they could not undergo, invented new fetters to throw on matrimony, that the world thereby waxing more diſſolute, they alſo in a general looſeneſs might ſin with more favour. Next, there being yet among many ſuch a ſtrange iniquity and perverſeneſs againſt all neceſſary divorce, while they will

* Nicol. Car. de obitu Buceri.

needs expound the words of our Saviour, not duly by comparing other places, as they muſt do in the reſolving of a hundred other ſcriptures, but by perſiſting deafly in the abrupt and papiſtical way of a literal apprehenſion againſt the direct analogy of ſenſe, reaſon, law, and goſpel; it therefore may well ſeem more than time, to apply the ſound and holy perſuaſions of this apoſtolic man to that part in us, which is not yet fully diſpoſſeſſed of an errour as abſurd, as moſt that we deplore in our blindeſt adverſaries; and to let his authority and unanſwerable reaſons be vulgarly known, that either his name, or the force of his doctrine, may work a wholeſome effect. Laſtly, I find it clear to be the author's intention, that this point of divorcement ſhould be held and received as a moſt neceſſary and prime part of diſcipline in every Chriſtian government. And therefore having reduced his model of reformation to fourteen heads, he beſtows almoſt as much time about this one point of divorce, as about all the reſt; which alſo was the judgment of his heirs and learned friends in Germany, beſt acquainted with his meaning; who firſt publiſhed this his book by Oporinus at Baſil, (a city for learning and conſtancy in the true faith honourable among the firſt) added a ſpecial note in the title, " that there the reader ſhould find the doctrine of divorce handled ſo ſolidly, and ſo fully, as ſcarce the like in any writer of that age:" and with this particular commendation they doubted not to dedicate the book, as a moſt profitable and exquiſite diſcourſe, to Chriſtian the IIId, a worthy and pious king of Denmark, as the author himſelf had done before to our Edward the VIth. Yet did not Bucer in that volume only declare what his conſtant opinion was herein, but alſo in his comment upon Matthew, written at Straſburgh divers years before, he treats diſtinctly and copiouſly the ſame argument in three ſeveral places; touches it alſo upon the viith to the Romans, and promiſes the ſame ſolution more largely upon the firſt to the Corinthians, omitting no occaſion to weed out this laſt and deepeſt miſchief of the canon-law, ſown into the opinions of modern men, againſt the laws and practice both of God's choſen people, and the beſt primitive times. Wherein his faithfulneſs and powerful evidence

dence prevailed ſo far with all the church of Straſburgh, that they publiſhed this doctrine of divorce as an article of their confeſſion, after they had taught ſo eight and twenty years, through all thoſe times, when that city flouriſhed, and excelled moſt, both in religion, learning, and government, under thoſe firſt reſtorers of the goſpel there, Zelius, Hedio, Capito, Fagius, and thoſe who incomparibly then governed the commonwealth, Farrerus and Sturmius. If therefore God in the former age found out a ſervant, and by whom he had converted and reformed many a city, by him thought good to reſtore the moſt needful doctrine of divorce from rigorous and harmful miſtakes on the right hand; it can be no ſtrange thing, if in this age he ſtir up by whatſoever means whom it pleaſes him, to take in hand and maintain the ſame aſſertion. Certainly if it be in man's diſcerning to ſever providence from chance, I could allege many inſtances, wherein there would appear cauſe to eſteem of me no other than a paſſive inſtrument under ſome power and counſel higher and better than can be human, working to a general good in the whole courſe of this matter. For that I owe no light, or leading received from any man in the diſcovery of this truth, what time I firſt undertook it in 'the Doctrine and Diſcipline of Divorce,' and had only the infallible grounds of ſcripture to be my guide; he who tries the inmoſt heart, and ſaw with what ſevere induſtry and examination of myſelf I ſet down every period, will be my witneſs. When I had almoſt finiſhed the firſt edition, I chanced to read in the notes of Hugo Grotius upon the vth of Matthew, whom I ſtraight underſtood inclining to reaſonable terms in this controverſy: and ſomething he wiſpered rather than diſputed about the law of charity, and the true end of wedlock. Glad therefore of ſuch an able aſſiſtant, however at much diſtance, I reſolved at length to put off into this wild and calumnious world. For God, it ſeems, intended to prove me, whether I durſt alone take up a rightful cauſe againſt a world of diſeſteem, and found I durſt. My name I did not publiſh, as not willing it ſhould ſway the reader either for me or againſt me. But when I was told that the ſtyle, which what it ails to be ſo ſoon

diſtinguiſhable, I cannot tell, was known by moſt men, and that ſome of the clergy began to inveigh and exclaim on what I was credibly informed they had not read; I took it then for my proper ſeaſon, both to ſhow them a name that could eaſily contemn ſuch an indiſcreet kind of cenſure, and to reinforce the queſtion with a more accurate diligence: that if any of them would be ſo good as to leave railing, and to let us hear ſo much of his learning and chriſtian wiſdom, as will be ſtrictly demanded of him in his anſwering to this problem, care was had he ſhould not ſpend his preparations againſt a nameleſs pamphlet. By this time I had learned that Paulus Fagius, one of the chief divines in Germany, ſent for by Frederic the Palatine, to reform his dominion, and after that invited hither in king Edward's days, to be a profeſſor of divinity in Cambridge, was of the ſame opinion touching divorce, which theſe men ſo laviſhly traduced in me. What I found, I inſerted where fitteſt place was, thinking ſure they would reſpect ſo grave an author, at leaſt to the moderating of their odious inferences. And having now perfected a ſecond edition, I referred the judging thereof to your high and impartial ſentence, honoured lords and commons! For I was confident, if any thing generous, any thing noble, and above the multitude, were left yet in the ſpirit of England; it could be no where ſooner found, and no where ſooner underſtood, than in that houſe of juſtice and true liberty, where ye ſit in council. Nor doth the event hitherto, for ſome reaſons which I ſhall not here deliver, fail me of what I conceived ſo highly. Nevertheleſs, being far otherwiſe dealt with by ſome, of whoſe profeſſion and ſuppoſed knowledge I had better hope, and eſteemed the deviſer of a new and pernicious paradox; I felt no difference within me from that peace and firmneſs of mind, which is of neareſt kin to patience and contentment: both for that I knew I had divulged a truth linked inſeparably with the moſt fundamental rules of Chriſtianity, to ſtand or fall together, and was not uninformed, that divers learned and judicious men teſtified their daily approbation of the book. Yet at length it hath pleaſed God, who had already given me ſatisfaction in myſelf, to afford me now a means whereby I may be

fully juſtified alſo in the eyes of men. When the book had been now the ſecond time ſet forth well-nigh three months, as I beſt remember, I then firſt came to hear that Martin Bucer had written much concerning divorce: whom earneſtly turning over, I ſoon perceived, but not without amazement, in the ſame opinion, confirmed with the ſame reaſons which in that publiſhed book, without the help or imitation of any precedent writer, I had laboured out, and laid together. Not but that there is ſome difference in the handling, in the order, and the number of arguments, but ſtill agreeing in the ſame concluſion. So as I may juſtly gratulate mine own mind with due acknowledgement of aſſiſtance from above, which led me, not as a learner, but as a collateral teacher, to a ſympathy of judgement with no leſs a man than Martin Bucer. And he, if our things here below arrive him where he is, does not repent him to ſee that point of knowledge, which he firſt and with an unchecked freedom preached to thoſe more knowing times of England, now found ſo neceſſary, though what he admoniſhed were loſt out of our memory; yet that God doth now again create the ſame doctrine in another unwritten table, and raiſes it up immediately out of his pure oracle to the convincement of a perverſe age, eager in the reformation of names and ceremonies, but in realities as traditional and as ignorant as their forefathers. I would aſk now the foremoſt of my profound accuſers, whether they dare affirm that to be licentious, new, and dangerous, which Martin Bucer ſo often, and ſo urgently avouched to be moſt lawful, moſt neceſſary, and moſt chriſtian, without the leaſt blemiſh to his good name, among all the worthy men of that age, and ſince, who teſtify ſo highly of him? If they dare, they muſt then ſet up an arrogance of their own againſt all thoſe churches and ſaints who honoured him without this exception: if they dare not, how can they now make that licentious doctrine in another, which was never blamed or confuted in Bucer, or in Fagius? The truth is, there will be due to them for this their unadviſed rathneſs the beſt donative that can be given them; I mean, a round reproof; now that where they thought to be moſt magiſterial, they have diſplayed their own want,

want, both of reading, and of judgment. Firſt, to be ſo unacquainted in the writings of Bucer, which are ſo obvious and ſo uſeful in their own faculty; next, to be ſo caught in a prejudicating weakneſs, as to condemn that for lewd, which (whether they knew or not) theſe elect ſervants of Chriſt commended for lawful; and for new, that which was taught by theſe almoſt the firſt and greateſt authors of reformation, who were never taxed for ſo teaching; and dedicated without ſcruple to a royal pair of the firſt reforming kings in Chriſtendom, and confeſſed in the public confeſſion of a moſt orthodoxical church and ſtate in Germany. This is alſo another fault which I muſt tell them; that they have ſtood now almoſt this whole year clamouring afar off, while the book hath been twice printed, twice brought up, and never once vouchſafed a friendly conference with the author, who would be glad and thankful to be ſhown an errour, either by private diſpute, or public anſwer, and could retract, as well as wiſe men before him; might alſo be worth the gaining, as one who heretofore hath done good ſervice to the church by their own confeſſion. Or if he be obſtinate, their confutation would have rendered him without excuſe, and reclaimed others of no mean parts, who incline to his opinion. But now their work is more than doubled; and how they will hold up their heads againſt the ſudden aſpect of theſe two great and reverend ſaints, whom they have defamed, how they will make good the cenſuring of that, for a novelty of licence, which Bucer conſtantly taught to be a pure and holy law of Chriſt's kingdom, let them adviſe. For againſt theſe my adverſaries, who, before the examining of a propounded truth in a fit time of reformation, have had the conſcience to oppoſe naught elſe but their blind reproaches and ſurmiſes, that a ſingle innocence might not be oppreſſed and overborn by a crew of mouths, for the reſtoring of a law and doctrine falſely and unlearnedly reputed new and ſcandalous; God, that I may ever magnify and record this his goodneſs, hath unexpectedly raiſed up as it were from the dead more than one famous light of the firſt reformation, to bear witneſs with me, and to do me honour in that very thing, wherein theſe

men

men thought to have blotted me; and hath given them the proof of a capacity, which they deſpiſed, running equal, and authentic with ſome of their chiefeſt maſters unthought of, and in a point of ſageſt moment. However, if we know at all when to aſcribe the occurrences of this life to the work of a ſpecial Providence, as nothing is more uſual in the talk of good men, what can be more like to a ſpecial Providence of God, than in the firſt reformation of England, that this queſtion of divorce, as a main thing to be reſtored to juſt freedom, was written, and ſeriouſly commended to Edward the VIth, by a man called from another country to be the inſtructor of our nation; and now in this preſent renewing of the church and commonwealth, which we pray may be more laſting, that the ſame queſtion ſhould be again treated and preſented to this parliament, by one enabled to uſe the ſame reaſons without the leaſt ſight or knowledge of what was done before? It were no treſpaſs, lords and commons! though ſomething of leſs note were attributed to the ordering of a heavenly power; this queſtion therefore of ſuch prime concernment both to chriſtian and civil welfare, in ſuch an extraordinary manner, not recovered, but plainly twice born to theſe latter ages, as from a divine hand I tender to your acceptance, and moſt conſiderate thoughts. Think not that God raiſed up in vain a man of greateſt authority in the church, to tell a trivial and licentious tale in the ears of that good prince, and to bequeath it as his laſt will and teſtament, nay rather as the teſtament and royal law of Chriſt to this nation; or that it ſhould of itſelf, after ſo many years, as it were in a new field where it was never ſown, grow up again as a vicious plant in the mind of another, who had ſpoke honeſteſt things to the nation; though he knew not that what his youth then reaſoned without a pattern had been heard already, and well allowed from the gravity and worth of Martin Bucer: till meeting with the envy of men ignorant in their own undertaken calling, God directed him to the forgotten writings of this faithful evangeliſt, to be his defence and warrant againſt the groſs imputation of broaching licence. Ye are now in the glorious way to high virtue, and matchleſs

leſs deeds, truſted with a moſt ineſtimable truſt, the aſſerting of our juſt liberties. Ye have a nation that expects now, and from mighty ſufferings aſpires to be the example of all Chriſtendom to a perfecteſt reforming. Dare to be as great, as ample, and as eminent in the fair progreſs of your noble deſigns, as the full and goodly ſtature of truth and excellence itſelf; as unlimited by petty precedents and copies, as your unqueſtionable calling from Heaven gives ye power to be. What are all our public immunities and privileges worth, and how ſhall it be judged, that we fight for them with minds worthy to enjoy them, if we ſuffer ourſelves in the mean while not to underſtand the moſt important freedom, that God and nature hath given us in the family; which no wiſe nation ever wanted, till the popery and ſuperſtition of ſome former ages attempted to remove and alter divine and moſt prudent laws for human and moſt imprudent canons: whereby good men in the beſt portion of their lives, and in that ordinance of God, which entitles them from the beginning to moſt juſt and requiſite contentments, are compelled to civil indignities, which by the law of Moſes bad men were not compelled to? Be not bound about, and ſtraitened in the ſpacious wiſdom of your free ſpirits, by the ſcanty and unadequate and inconſiſtent principles of ſuch as condemn others for adhering to traditions, and are themſelves the proſtrate worſhippers of cuſtom; and of ſuch a tradition as they can deduce from no antiquity, but from the rudeſt and thickeſt barbariſm of antichriſtian times. But why do I anticipate the more acceptable and prevailing voice of learned Bucer himſelf, the paſtor of nations? And O that I could ſet him living before ye in that doctoral chair, where once the learnedeſt of England thought it no diſparagement to ſit at his feet! He would be ſuch a pilot, and ſuch a father to ye, as ye would ſoon find the difference of his hand and ſkill upon the helm of reformation. Nor do I forget that faithful aſſociate of his labours, Paulus Fagius; for theſe their great names and merits, how precious ſoever, God hath now joined with me neceſſarily, in the good or evil report of this doctrine, which I leave with you. It was written to a religious king

king of this land; written earneſtly, as a main matter wherein this kingdom needed a reform, if it purpoſed to be the kingdom of Chriſt: written by him, who if any, ſince the days of Luther, merits to be counted the Apoſtle of our Church: whoſe unwearied pains and watching for our ſakes, as they ſpent him quickly here among us, ſo did they, during the ſhortneſs of his life, incredibly promote the goſpel throughout this realm. The authority, the learning, the godlineſs of this man conſulted with, is able to outbalance all that the lightneſs of a vulgar oppoſition can bring to counterpoiſe. I leave him alſo as my complete ſurety and teſtimonial, if truth be not the beſt witneſs to itſelf, that what I formerly preſented to your reading on this ſubject was good, and juſt, and honeſt, not licentious. Not that I have now more confidence by the addition of theſe great authors to my party: for what I wrote was not my opinin, but my knowledge; even then when I could trace no foot-ſtep in the way I went: nor that I think to win upon your apprehenſions with numbers and with names, rather than with reaſons; yet certainly the worſt of my detractors will not except againſt ſo good a bail of my integrity and judgment, as now appears for me. They muſt elſe put in the ſame of Bucer and of Fagius, as my accomplices and confederates, into the ſame indictment; they muſt dig up the good name of theſe prime worthies (if their names could be ever buried) they muſt dig them up and brand them as the papiſts did their bodies; and thoſe their pure unblamable ſpirits, which live not only in Heaven, but in their writings, they muſt attaint with new attaintures, which no proteſtant ever before aſperſed them with. Or if perhaps we may obtain to get our appeachment new drawn a writ of errour, not of libertiniſm, that thoſe two principal leaders of reformation may not now come to be ſued in a bill of licence, to the ſcandal of our church; the brief reſult will be, that for the errour, if their own works be not thought ſufficient to defend them, there lives yet, who will be ready, in a fair and chriſtianly diſcuſſive way, to debate and ſift this matter to the utmoſt ounce of learning and religion, in him that ſhall lay it as an errour, either upon Martin Bucer

Bucer, or any other of his opinion. If this be not enough to qualify my traducers, and that they think it more for the wiſdom of their virulence, not to recant the injuries they have beſpoke me, I ſhall not, for much more diſturbance than they can bring me, intermit the proſecution of thoſe thoughts, which may render me beſt ſerviceable either to this age, or if it ſo happen, to poſterity; following the fair path, which your illuſtrious exploits, honoured lords and commons! againſt the breaſt of tyranny have opened; and depending ſo on your happy ſucceſſes in the hopes that I have conceived either of myſelf, or of the nation, as muſt needs conclude me one who moſt affectionately wiſhes and awaits the proſperous iſſue of your noble and valorous counſels.

JOHN MILTON.

THE

JUDGMENT OF MARTIN BUCER,

TOUCHING

DIVORCE:

Taken out of the ſecond book entitled, "Of the kingdom of Chriſt;" written by MARTIN BUCER to EDWARD the Sixth, King of England.

CHAP. XV.

The ſeventh law of the ſanctifying and ordering of marriage. That the ordering of marriage belongs to the civil power. That the popes have evaded by fraud and force the ordering of marriage.

BESIDES theſe things, Chriſt our king, and his churches require from your ſacred majeſty, that you would take upon you the juſt care of marriages. For it is unſpeakable how many good conſciences are hereby entangled, afflicted, and in danger, becauſe there are no juſt laws, no ſpeedy way conſtituted according to God's word, touching this holy ſociety and fountain of mankind. For ſeeing matrimony is a civil thing, men, that they may rightly contract, inviolably keep, and not without extreme neceſſity diſſolve marriage, are not only to be taught by the doctrine and diſcipline of the church, but alſo are to be acquitted, aided and compelled by laws and judicature of the commonwealth. Which thing pious emperors acknowledging, and therein framing themſelves to the law of nations, gave laws both of contracting and preſerving, and alſo where an unhappy need required, of divorcing marriages. As may be ſeen in the Code of Juſtinian, the 5th book, from the beginning through twenty-four titles. And in the authentic of Juſtinian the 22d, and ſome others.

But the Antichriſts of Rome, to get the imperial power into

into their own hands, firſt by fraudulent perſuaſion, afterwards by force drew to themſelves the whole authority of determining and judging as well in matrimonial cauſes, as in moſt other matters. Therefore it hath been long believed, that the care and government thereof doth not belong to the civil magiſtrate. Yet where the goſpel of Chriſt is received, the laws of Antichriſt ſhould be rejected. If therefore kings and governors take not this care, by the power of law and juſtice to provide that marriages be piouſly contracted, religiouſly kept, and lawfully diſſolved, if need require, who ſees not what confuſion and trouble is brought upon this holy ſociety: and what a rack is prepared, even for many of the beſt conſciences, while they have no certain laws to follow, no juſtice to implore, if any intolerable thing happen? And how much it concerns the honour and ſafety of the commonwealth, that marriages, according to the will of Chriſt, be made, maintained, and not without juſt cauſe diſſolved, who underſtands not? For unleſs that firſt and holieſt ſociety of man and woman be purely conſtituted, that houſehold diſcipline may be upheld by them according to God's law, how can we expect a race of good men? Let your majeſty therefore know, that this is your duty, and in the firſt place, to reaſſume to yourſelf the juſt ordering of matrimony, and by firm laws to eſtabliſh and defend the religion of this firſt and divine ſociety among men, as all wiſe lawgivers of old, and chriſtian emperors have carefully done.

The two next chapters, becauſe they chiefly treat about the degrees of conſanguinity and affinity, I omit; only ſetting down a paſſage or two concerning the judicial laws of Moſes, how fit they be for Chriſtians to imitate rather than any other.

CHAP. XVII, towards the end.

I CONFESS that we, being free in Chriſt, are not bound to the civil laws of Moſes in every circumſtance; yet ſeeing no laws can be more honeſt, juſt, and wholeſome, than thoſe which God himſelf gave, who is eternal wiſdom

wiſdom and goodneſs, I ſee not why Chriſtians, in things which no leſs appertain to them, ought not to follow the laws of God, rather than of any men. We are not to uſe circumciſion, ſacrifice, and thoſe bodily waſhings preſcribed to the Jews; yet by theſe things we may rightly learn, with what purity and devotion both baptiſm and the Lord's ſupper ſhould be adminiſtered and received. How much more is it our duty to obſerve diligently what the Lord hath commanded, and taught by the examples of his people concerning marriage, whereof we have the uſe no leſs than they?

And becauſe this ſame worthy author hath another paſſage to this purpoſe, in his comment upon Matthew, Chap. v, 19, I here inſert it from p. 46.

Since we have need of civil laws, and the power of puniſhing, it will be wiſeſt not to contemn thoſe given by Moſes; but ſeriouſly rather to conſider what the meaning of God was in them, what he chiefly required, and how much it might be to the good of every nation, if they would borrow thence their manner of governing the commonwealth; yet freely all things and with the ſpirit of Chriſt. For what Solon, or Plato, or Ariſtotle, what lawyers or Cæſars could make better laws than God? And it is no light argument, that many magiſtrates at this day do not enough acknowledge the kingdom of Chriſt, though they would ſeem moſt Chriſtian, in that they govern their ſtates by laws ſo diverſe from thoſe of Moſes.

The 18th chapter I only mention as determining a thing not here in queſtion, that marriage without conſent of parents ought not to be held good; yet with this qualification fit to be known.

That if parents admit not the honeſt deſires of their children, but ſhall perſiſt to abuſe the power they have over them; they are to be mollified by admonitions, entreaties, and perſuaſions, firſt of their friends and kindred, next of the church-elders. Whom if ſtill the hard parents refuſe to hear, then ought the magiſtrate to interpoſe his power: leſt any by the evil mind of their parents be detained from marriage longer than is meet, or

forced to an unworthy match: in which caſe the Roman laws alſo provided. C. de nupt. l. 11, 13, 26.

CHAP. XIX.

Whether it may be permitted to revoke the promiſe of marriage.

HERE ariſeth another queſtion concerning contracts when they ought to be unchangeable? for religious emperors decreed, that the contract was not indiſſoluble until the ſpouſe were brought home, and the ſolemnities performed. They thought it a thing unworthy of divine and human equity, and the due conſideration of man's infirmity in deliberating and determining, when ſpace is given to renounce other contracts of much leſs moment which are not yet confirmed before the magiſtrate, to deny that to the moſt weighty contract of marriage which requires the greateſt care and conſultation. Yea leſt ſuch a covenant ſhould be broken for no juſt cauſe and to the injury of that perſon to whom marriage was promiſed, they decreed a fine, that he who denied marriage to whom he had promiſed, and for ſome cauſe not approved by the judges, ſhould pay the double of that pledge which was given at making ſure, or as much as the judge ſhould pronounce might ſatisfy the damage, or the hinderance of either party. It being moſt certain that oftimes after contract juſt and honeſt cauſes of departing from promiſe come to be known and found out, it cannot be other than the duty of pious princes, to give men the ſame liberty of unpromiſing in theſe caſes as pious emperors granted: eſpecially where there is only a promiſe, and not carnal knowledge. And as there is no true marriage between them, who agree not in true conſent of mind; ſo it will be the part of godly magistrates, to procure that no matrimony be among their ſubjects, but what is knit with love and conſent. And though your majeſty be not bound to the imperial laws, yet it is the duty of a chriſtian king, to embrace and follow whatever he knows to be any where piouſly and juſtly conſtituted, and to be honeſt, juſt, and well-pleaſing to his

people

people. But why in God's law and the examples of his ſaints nothing hereof is read, no marvel; ſeeing his ancient people had power, yea a precept, that whoſo could not bend his mind to the true love of his wife, ſhould give her a bill of divorce, and ſend her from him, though after carnal knowledge and long dwelling together. This is enough to authorize a godly prince in that indulgence, which he gives to the changing of a contract; both becauſe it is certainly the invention of Antichriſt, that the promiſe of marriage de præſenti, as they call it, ſhould be indiſſoluble, and becauſe it ſhould be a prince's care, that matrimony be ſo joined, as God ordained; which is, that every one ſhould love his wife with ſuch a love as Adam expreſſed to Eve: ſo as we may hope, that they who marry may become one fleſh, and one alſo in the Lord.

CHAP. XX.

Concerns only the celebration of marriage.

CHAP XXI.

The means of preſerving marriage holy and pure.

NOW ſince there ought not to be leſs care, that marriage be religiouſly kept, than that it be piouſly and deliberately contracted, it will be meet, that to every church be ordained certain grave and godly men, who may have this care upon them, to obſerve whether the huſband bear himſelf wiſely toward the wife, loving, and inciting her to all piety, and the other duties of this life; and whether the wife be ſubject to her huſband, and ſtudy to be truly a meet help to him, as firſt to all godlineſs, ſo to every other uſe of life. And if they ſhall find each to other failing of their duty, or the one long abſent from the other without juſt and urgent cauſe, or giving ſuſpicion of irreligious and impure life, or of living in manifeſt wickedneſs, let it be admoniſhed them in time.

And if their authority be contemned, let the names of ſuch contemners be brought to the magiſtrate, who may uſe puniſhment to compel ſuch violators of marriage to their duty, that they may abſtain from all probable ſuſpicion of tranſgreſſing; and if they admit of ſuſpected company, the magiſtrate is to forbid them; whom they not therein obeying, are to be puniſhed as adulterers, according to the law of Juſtinian, Authent. 117. For if holy wedlock, the fountain and ſeminary of good ſubjects, be not vigilently preſerved from all blots and diſturbances, what can be hoped, as I ſaid before, of the ſpringing up of good men, and a right reformation of the commonwealth? We know it is not enough for Chriſtians to abſtain from foul deeds, but from the appearance and ſuſpicion thereof.

CHAP. XXII.

Of lawful divorce, what the ancient churches have thought.

NOW we ſhall ſpeak about that diſſolving of matrimony, which may be approved in the ſight of God, if any grievous neceſſity require. In which thing the Roman Antichriſts have knit many a pernicious entanglement to diſtreſſed conſciences: for that they might here alſo exalt themſelves above God, as if they would be wiſer and chaſter than God himſelf is; for no cauſe, honeſt or neceſſary, will they permit a final divorce: in the meanwhile, whoredoms and adulteries, and worſe things than theſe, not only tolerating in themſelves and others, but cheriſhing and throwing men headlong into theſe evils. For although they alſo disjoin married perſons from board and bed, that is, from all conjugal ſociety and communion, and this not only for adultery, but for ill uſage, and matrimonial duties denied; yet they forbid thoſe thus parted, to join in wedlock with others: but, as I ſaid before, any diſhoneſt aſſociating they permit. And they pronounce the bond of marriage to remain between thoſe whom they have thus ſeparated. As if the bond of marriage, God ſo teaching and pronouncing, were

were not ſuch a league as binds the married couple to all ſociety of life, and communion in divine and human things; and ſo aſſociated keeps them. Something indeed out of the later fathers they may pretend for this their tyranny, eſpecially out of Auſtria and ſome others, who were much taken with a prepoſterous admiration of ſingle life; yet though theſe fathers, from the words of Chriſt not rightly underſtood, taught that it was unlawful to marry again, while the former wife lived, whatever cauſe there had been either of deſertion or divorce; yet if we mark the cuſtom of the church, and the common judgment which both in their times and afterward prevailed, we ſhall perceive, that neither theſe fathers did ever caſt out of the church any one for marrying after a divorce, approved by the imperial laws.

Nor only the firſt chriſtian emperors, but the latter alſo, even to Juſtinian and after him, did grant for certain cauſes approved by judges, to make a true divorce; which made and confirmed by law, it might be lawful to marry again; which if it could not have been done without diſpleaſing Chriſt and his church, ſurely it would not have been granted by chriſtian emperors, nor had the fathers then winked at thoſe doings in the emperors. Hence ye may ſee that Jerome alſo, though zealous of ſingle life more than enough, and ſuch a condemner of ſecond marriage, though after the death of either party, yet, forced by plain equity, defended Fabiola, a noble matron of Rome, who, having refuſed her huſband for juſt cauſes, was married to another. For that the ſending of a divorce to her huſband was not blameworthy, he affirms becauſe the man was heinouſly vicious; and that if an adulterer's wife may be diſcarded, an adulterous huſband is not to be kept. But that ſhe married again, while yet her huſband was alive; he defends in that the apoſtle hath ſaid, "It is better to marry than to burn;" and that young widows ſhould marry, for ſuch was Fabiola, and could not remain in widowhood.

But ſome one will object, that Jerome there adds, "Neither did ſhe know the vigour of the goſpel, wherein all cauſe of marrying is debarred from women, while their huſbands live; and again, while ſhe avoided many

wounds of Satan, ſhe received one ere ſhe was aware." But let the equal reader mind alſo what went before; "Becauſe," ſaith he, ſoon after the beginning, "there is a rock and ſtorm of ſlanderers oppoſed before her, I will not praiſe her converted, unleſs I firſt abſolve her guilty." For why does he call them ſlanderers, who accuſed Fabiola of marrying again, if he did not judge it a matter of chriſtian equity and charity, to paſs by and pardon that fact, though in his own opinion he held it a fault? And what can this mean, "I will not praiſe her, unleſs I firſt abſolve her?" For how could he abſolve her, but by proving that Fabiola, neither in rejecting her vicious huſband, nor in marrying another, had committed ſuch a ſin, as could be juſtly condemned? Nay, he proves both by evident reaſon, and clear teſtimonies of ſcripture, that ſhe avoided ſin.

This is alſo hence underſtood, that Jerome by the vigour of the goſpel, meant that height and perfection of our Saviour's precept, which might be remitted to thoſe that burn; for he adds, "But if ſhe be accuſed in that ſhe remained not unmarried, I ſhall confeſs the fault, ſo I may relate the neceſſity." If then he acknowledged a neceſſity, as he did, becauſe ſhe was young, and could not live in widowhood, certainly he could not impute her ſecond marriage to her much blame: but when he excuſes her out of the word of God, does he not openly declare his thoughts, that the ſecond marriage of Fabiola was permitted her by the Holy Ghoſt himſelf, for the neceſſity which he ſuffered, and to ſhun the danger of fornication, though ſhe went ſomewhat aſide from the vigour of the goſpel? But if any urge, that Fabiola did public penance for her ſecond marriage, which was not impoſed but for great faults; it is anſwered, ſhe was not enjoined to this penance, but did it of her own accord, "and not till after her ſecond huſband's death." As in the time of Cyprian, we read that many were wont to do voluntary penance for ſmall faults, which were not liable to excommunication.

CHAP. XXIII.

That marriage was granted by the ancient fathers, even after the vow of ſingle life.

I omit his teſtimonies out of Cyprian, Gellaſius, Epiphanius, contented only to relate what he thence collects to the preſent purpoſe.

SOME will ſay perhaps, wherefore all this concerning marriage after vow of ſingle life, whenas the queſtion was of marriage after divorce? For this reaſon, that they whom it ſo much moves, becauſe ſome of the fathers thought marriage after any kind of divorce to be condemned of our Saviour, may ſee that this concluſion follows not. The fathers thought all marriage after divorce to be for bidden of our Saviour, therefore they thought ſuch marriage was not to be tolerated in a Chriſtian. For the ſame fathers judged it forbidden to marry after vow; yet ſuch marriages they neither diſſolved nor excommunicated: for theſe words of our Saviour, and of the Holy Ghoſt, ſtood in their way; "All cannot receive this ſaying, but they to whom it is given. Every one hath his proper gift from God, one after this manner another after that. It is better to marry than to burn. I will that younger widows marry;" and the like.

So there are many canons and laws extant, whereby prieſts, if they married, were removed from their office, yet is it not read that their marriage was diſſolved, as the papiſts nowadays do, or that they were excommunicated, nay expreſsly they might communicate as laymen. If the conſideration of human infirmity, and thoſe teſtimonies of divine ſcripture which grant marriage to every one that wants it, perſuaded thoſe fathers to bear themſelves ſo humanely toward them who had married with breach of vow to God, as they believed, and with divorce of that marriage wherein they were in a manner joined to God; who doubts, but that the ſame fathers held the like humanity was to be afforded to thoſe, who after divorce and faith broken with men,

as they thought, entered into a ſecond marriage? For among ſuch are alſo found no leſs weak, and no leſs burning.

CHAP. XXIV.

Who of the ancient fathers have granted marriage after divorce.

THIS is clear both by what hath been ſaid, and by that which Origen relates of certain biſhops in his time, Homil. 7, in Matth., "I know ſome," ſaith he, "which are over churches, who without ſcripture have permitted the wife to marry while her former huſband lived. And did this againſt ſcripture, which ſaith, the wife is bound to her huſband ſo long as he lives; and ſhe ſhall be called an adultereſs, if, her huſband living, ſhe take another man; yet did they not permit this without cauſe, perhaps for the infirmity of ſuch as had not continence, they permitted evil to avoid worſe." Ye ſee Origen and the doctors of his age, not without all cauſe, permitted women after divorce to marry, though their former huſbands were living; yet writes that they permitted againſt ſcripture. But what cauſe could they have to do ſo, unleſs they thought our Saviour in his precepts of divorce had ſo forbidden, as willing to remit ſuch perfection to his weaker ones, caſt into danger of worſe faults?

The ſame thought Leo, biſhop of Rome, Ep. 85, to the African biſhops of Mauritania Cæſarienſis, wherein complaining of a certain prieſt, who divorcing his wife, or being divorced by her, as other copies have it, had married another, neither diſſolves the matrimony, nor excommunicates him, only unprieſts him. The fathers therefore, as we ſee, did not ſimply and wholly condemn marriage after divorce.

But as for me, this remitting of our Saviour's precepts, which theſe ancients allow to the infirm in marrying after vow and divorce, I can in no ways admit; for whatſoever plainly conſents not with the commandment, cannot,

cannot, I am certain, be permitted, or ſuffered in any Chriſtian: for heaven and earth ſhall paſs away, but not a tittle from the commands of God among them who expect life eternal. Let us therefore conſider, and weigh the words of our Lord concerning marriage and divorce, which he pronounced both by himſelf, and by his apoſtle, and let us compare them with other oracles of God; for whatſoever is contrary to theſe, I ſhall not perſuade the leaſt tolerating thereof. But if it can be taught to agree with the word of God, yea to be commanded, that moſt men may have permiſſion given them to divorce and marry again, I muſt prefer the authority of God's word before the opinion of fathers and doctors, as they themſelves teach.

CHAP. XXV.

The words of our Lord, and of the Holy Ghoſt, by the Apoſtle Paul concerning divorce, are explained. The 1ſt Axiom, that Chriſt could not condemn of adultery, that which he once commanded.

BUT the words of our Lord, and of the Holy Ghoſt, out of which Auſtin and ſome others of the fathers think it concluded, that our Saviour forbids marriage after any divorce, are theſe; Mat. v, 31, 32, "It hath been ſaid," &c.: and Matt. xix, 7, "They ſay unto him, why did Moſes then command," &c.: and Mark x, and Luke xvi, Rom. vii, 1, 2, 3, 1 Cor. vii, 10, 11. Hence therefore they conclude, that all marriage after divorce is called adultery; which to commit, being no ways to be tolerated in any Chriſtian, they think it follows, that ſecond marriage is in no caſe to be permitted either to the divorcer, or to the divorced.

But that it may be more fully and plainly perceived what force is in this kind of reaſoning, it will be the beſt courſe, to lay down certain grounds whereof no Chriſtian can doubt the truth. Firſt, it is a wickedneſs to ſuſpect, that our Saviour branded that for adultery, which himſelf, in his own law which he came to fulfil, and not to diſſolve, did not only permit, but alſo command; for by him,

him, the only mediator, was the whole law of God given. But that by this law of God marriage was permitted after any divorce, is certain by Deut. xxiv, 1.

CHAP. XXVI.

That God in his law did not only grant, but alſo command divorce to certain men.

DEUT. xxiv, 1, "When a man hath taken a wife," &c. But in Mal. ii. 15, 16, is read the Lord's command to put her away whom a man hates, in theſe words: "Take heed to your ſpirit, and let none deal injurioufly againſt the wife of his youth. If he hate, let him put away, ſaith the Lord God of Iſrael. And he ſhall hide thy violence with his garment," that marries her divorced by thee, "ſaith the Lord of Hoſts; but take heed to your ſpirit, and do no injury." By theſe teſtimonies of the divine law, we ſee, that the Lord did not only permit, but alſo expreſsly and earneſtly commanded his people, by whom he would that all holineſs and faith of marriage-covenant ſhould be obſerved, that he, who could not induce his mind to love his wife with a true conjugal love, might diſmiſs her, that ſhe might marry to another.

CHAP. XXVII.

That what the Lord permitted and commanded to his ancient people concerning divorce belongs alſo to Chriſtians.

NOW what the Lord permitted to his firſt born people, that certainly he could not forbid to his own among the Gentiles, whom he made coheirs, and into one body with his people; nor could he ever permit, much leſs command aught that was not good for them, at leaſt ſo uſed as he commanded. For being God, he is not changed as man. Which thing who ſeriouſly conſiders, how can he imagine, that God would make that wicked to them that believe, and ſerve him under grace, which

which he granted and commanded to them that ſerved him under the law? Whenas the ſame cauſes require the ſame permiſſion. And who that knows but human matters, and loves the truth, will deny that many marriages hang as ill together now, as ever they did among the Jews? So that ſuch marriages are liker to torments than true marriages. As therefore the Lord doth always ſuccour and help the oppreſſed, ſo he would ever have it provided for injured huſbands and wives, that under pretence of the marriage bond, they be not ſold to perpetual vexations, inſtead of the loving and comfortable marriage duties. And laſtly, as God doth always deteſt hypocriſy and fraud, ſo neither doth he approve that among his people, that ſhould be counted marriage, wherein none of thoſe duties remain, whereby the league of wedlock is chiefly preſerved. What inconſiderate neglect then of God's law is this, that I may not call it worſe, to hold that Chriſt our Lord would not grant the ſame remedies both of divorce and ſecond marriage to the weak, or to the evil, if they will needs have it ſo, but eſpecially to the innocent and wronged; whenas the ſame urgent cauſes remain as before, when the diſcipline of the church and magiſtrate hath tried what may be tried?

CHAP. XXVIII.

That our Lord Chriſt intended not to make new laws of marriage and divorce, or of any civil matters. Axiom 2.

IT is agreed by all who determine of the kingdom and offices of Chriſt by the holy ſcriptures, as all godly men ought to do, that our Saviour upon earth took not on him either to give new laws in civil affairs, or to change the old. But it is certain, that matrimony and divorce are civil things. Which the chriſtian emperors knowing, gave conjugal laws, and reſerved the adminiſtration of them to their own courts; which no true ancient biſhop ever condemned.

Our Saviour came to preach repentance and remiſſion: ſeeing therefore thoſe, who put away their wives without any

any juſt cauſe, were not touched with conſcience of the ſin, through miſunderſtanding of the law, he recalled them to a right interpretation, and taught, that the woman in the beginning was ſo joined to the man, that there ſhould be a perpetual union both in body and ſpirit: where this is not, the matrimony is already broke, before there be yet any divorce made, or ſecond marriage.

CHAP. XXIX.

That it is wicked to ſtrain the words of Chriſt beyond their purpoſe.

This is his third Axiom, whereof there needs no explication here.

CHAP. XXX.

That all places of Scripture about the ſame thing are to be joined, and compared, to avoid contradictions. Axiom 4.

This he demonſtrates at large out of ſundry places in the goſpel, and principally by that precept againſt ſwearing*, which, compared with many places of the law and prophets, is a flat contradiction of them all, if we follow ſuperſtitiouſly the letter. Then having repeated briefly his four axioms, he thus proceeds.

THESE things thus preadmoniſhed, let us inquire what the undoubted meaning is of our Saviour's words, and inquire according to the rule which is obſerved by all learned and good men in their expoſitions; that praying firſt to God, who is the only opener of our hearts, we may firſt with fear and reverence conſider well the words of our Saviour touching this queſtion. Next, that we may compare them with all other places of ſcripture treating of this matter, to ſee how they conſent with our Saviour's words, and thoſe of his apoſtle.

* Matthew v, 34.

CHAP.

CHAP. XXXI.

This Chapter diſputes againſt Auſtin and the papiſts, who deny ſecond marriage even to them who divorce in caſe of adultery; which becauſe it is not controverted among true proteſtants, but that the innocent perſon is eaſily allowed to marry, I ſpare the tranſlating.

CHAP. XXXII.

That a manifeſt adultereſs ought to be divorced, and cannot lawfully be retained in marriage by any true Chriſtian.

This though he prove ſufficiently, yet I let paſs, becauſe this queſtion was not handled in the Doctrine and Diſcipline of Divorce; to which book I bring ſo much of this treatiſe as runs parallel.

CHAP. XXXIII.

That adultery is to be puniſhed with death.

This Chapter alſo I omit for the reaſon laſt alleged.

CHAP. XXXIV.

That it is lawful for a wife to leave an adulterer, and to marry another huſband.

This is generally granted, and therefore excuſes me the writing out.

CHAP. XXXV.

Places in the writings of the apoſtle Paul, touching divorce, explained.

LET us conſider the anſwers of the Lord given by the apoſtle ſeverally. Concerning the firſt, which is Rom. vii, 1. "Know ye not, brethren, for I ſpeak to them that know the law, &c. Ver. 2, The woman is bound by the law to her huſband ſo long as he liveth." Here it is certain, that the Holy Ghoſt had no purpoſe to determine

determine aught of marriage, or divorce, but only to bring an example from the common and ordinary law of wedlock, to ſhow, that as no covenant holds either party being dead, ſo now that we are not bound to the law, but to Chriſt our Lord, ſeeing that through him we are dead to ſin, and to the law; and ſo joined to Chriſt, that we may bring forth fruit in him from a willing godlineſs, and not by the compulſion of law, whereby our ſins are more excited, and become more violent. What therefore the holy ſpirit here ſpeaks of matrimony cannot be extended beyond the general rule.

Beſides it is manifeſt, that the apoſtle did allege the law of wedlock, as it was delivered to the Jews; for, ſaith he, "I ſpeak to them that know the law." They knew no law of God, but that by Moſes, which plainly grants divorce for ſeveral reaſons. It cannot therefore be ſaid, that the apoſtle cited this general example out of the law, to aboliſh the ſeveral exceptions of that law, which God himſelf granted by giving authority to divorce.

Next, when the apoſtle brings an example out of God's law concerning man and wife, it muſt be neceſſary, that we underſtand ſuch for man and wife, as are ſo indeed according to the ſame law of God; that is, who are ſo diſpoſed, as that they are both willing and able to perform the neceſſary duties of marriage; not thoſe who, under a falſe title of marriage, keep themſelves mutually bound to injuries and diſgraces; for ſuch twain are nothing leſs than lawful man and wife.

The like anſwer is to be given to all the other places both of the goſpel and the apoſtle, that whatever exception may be proved out of God's law, be not excluded from thoſe places. For the ſpirit of God doth not condemn things formerly granted and allowed, where there is like cauſe and reaſon. Hence Ambroſe, upon that place, 1 Cor. vii, 15, "A brother or a ſiſter is not under bondage in ſuch caſes," thus expounds; "The reverence of marriage is not due to him who abhors the author of marriage; nor is that marriage ratified, which is without devotion to God: he ſins not therefore, who is put away for

for God's cauſe, though he join himſelf to another. For the diſhonour of the Creator diſſolves the right of matrimony to him who is deſerted, that he be not accuſed, though marrying to another. The faith of wedlock is not to be kept with him who departs, that he might not hear the God of Chriſtians to be the author of wedlock. For if Ezra cauſed the miſbelieving wives and huſbands to be divorced, that God might be appeaſed, and not offended, though they took others of their own faith, how much more ſhall it be free, if the miſbeliever depart, to marry one of our own religion. For this is not to be counted matrimony, which is againſt the law of God."

Two things are here to be obſerved toward the following diſcourſe, which truth itſelf and the force of God's word hath drawn from this holy man. For thoſe words are very large, " Matrimony is not ratified, without devotion to God." And " the diſhonour of the Creator diſſolves the right of matrimony." For devotion is far off, and diſhonour is done to God by all who perſiſt in any wickedneſs and heinous crime.

CHAP. XXXVI.

That although it ſeem in the Goſpel, as if our Saviour granted divorce only for adultery, yet in very deed he granted it for other cauſes alſo.

NOW is to be dealt with this queſtion, whether it be lawful to divorce and marry again for other cauſes beſides adultery, ſince our Saviour expreſſed that only? To this queſtion, if we retain our principles already laid, and muſt acknowledge it to be a curſed blaſphemy, if we ſay that the words of God do contradict one another, of neceſſity we muſt confeſs, that our Lord did grant divorce, and marriage after that, for other cauſes beſides adultery, notwithſtanding what he ſaid in Matthew. For firſt, they who conſider but only that place, 1 Cor. vii, which treats of believers and miſbelievers matched together, muſt of force confeſs, That our Lord granted juſt divorce, and ſecond marriage in the cauſe of deſertion, which

which is other than the cauſe of fornication. And if there be one other cauſe found lawful, then is it moſt true, that divorce was granted not only for fornication.

Next, it cannot be doubted, as I ſhowed before, by them to whom it is given to know God and his judgments out of his own word, but that, what means of peace and ſafety God ever granted and ordained to his elected people, the ſame he grants and ordains to men of all ages, who have equally need of the ſame remedies. And who, that is but a knowing man, dares ſay there be not huſbands and wives now to be found in ſuch a hardneſs of heart, that they will not perform either conjugal affection, or any requiſite duty thereof, though it be moſt deſerved at their hands?

Neither can any one defer to confeſs, but that God, whoſe property it is to judge the cauſe of them that ſuffer injury, hath provided for innocent and honeſt perſons wedded, how they might free themſelves by lawful means of divorce, from the bondage and iniquity of thoſe who are falſely termed their huſbands or their wives. This is clear out of Deut. xxiv, 1; Malach. ii; Matth. xix, 1; 1 Cor. vii; and out of thoſe principles, which the ſcripture every where teaches, that God changes not his mind, diſſents not from himſelf, is no accepter of perſons; but allows the ſame remedies to all men oppreſſed with the ſame neceſſities and infirmities; yea, requires that we ſhould uſe them. This he will eaſily perceive, who conſiders theſe things in the ſpirit of the Lord.

Laſtly, it is moſt certain, that the Lord hath commanded us to obey the civil laws, every one of his own commonwealth, if they be not againſt the laws of God.

CHAP. XXXVII.

For what cauſes divorce is permitted by the civil law ex l. Conſenſu Codic. de Repudiis.

IT is alſo manifeſt, that the law of Theodoſius and Valentinian, which begins "Conſenſu," &c., touching divorce, and many other decrees of pious emperors agree-

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ing herewith, are not contrary to the word of God; and therefore may be recalled into uſe by any chriſtian prince or commonwealth; nay, ought to be with due reſpect had to every nation: for whatſoever is equal and juſt, that in every thing is to be ſought and uſed by Chriſtians. Hence it is plain, that divorce is granted by divine approbation, both to huſbands and to wives, if either party can convict the other of theſe following offences before the magiſtrate.

If the huſband can prove the wife to be an adultereſs, a witch, a murdereſs; to have bought or ſold to ſlavery any one freeborn, to have violated ſepulchres, committed ſacrilege, favoured thieves and robbers, deſirous of feaſting with ſtrangers, the huſband not knowing, or not willing; if ſhe lodge forth without a juſt and probable cauſe, or frequent theatres and fights, he forbidding; if ſhe be privy with thoſe that plot againſt the ſtate, or if ſhe deal falſely, or offer blows. And if the wife can prove her huſband guilty of any thoſe forenamed crimes, and frequent the company of lewd women in her ſight; or if he beat her, ſhe had the like liberty to quit herſelf; with this difference, that the man after divorce might forthwith marry again; the woman not till a year after, leſt ſhe might chance to have conceived.

CHAP. XXXVIII.

An expoſition of thoſe places wherein God declares the nature of holy wedlock.

NOW to the end it may be ſeen, that this agrees with the divine law, the firſt inſtitution of marriage is to be conſidered, and thoſe texts in which God eſtabliſhed the joining of male and female, and deſcribed the duties of them both. When God had determined to make woman, and give her as a wife to man, he ſpake thus, Gen. ii, 18. "It is not good for man to be alone, I will make him a help meet for him. And Adam ſaid," but in the ſpirit of God, v. 23, 24, "This is now bone of my bone, and fleſh of my fleſh: Therefore ſhall a man leave his father

and mother, and ſhall cleave to his wife, and they ſhall be one fleſh."

To this firſt inſtitution did Chriſt recall his own; when anſwering the Phariſees, he condemned the licence of unlawful divorce. He taught therefore by his example, that we, according to this firſt inſtitution, and what God hath ſpoken thereof, ought to determine what kind of covenant marriage is, how to be kept, and how far; and laſtly, for what cauſes to be diſſolved. To which decrees of God theſe alſo are to be joined, which the Holy Ghoſt hath taught by his apoſtle, that neither the huſband nor the wife "hath power of their own body, but mutually each of either's." That "the huſband ſhall love the wife as his own body, yea as Chriſt loves his church; and that the wife ought to be ſubject to her huſband, as the church is to Chriſt."

By theſe things the nature of holy wedlock is certainly known; whereof if only one be wanting in both or either party, and that either by obſtinate malevolence, or too deep inbred weakneſs of mind, or laſtly, through incurable impotence of body, it cannot then be ſaid, that the covenant of matrimony holds good between ſuch; if we mean that covenant, which God inſtituted and called marriage, and that whereof only it muſt be underſtood that our Saviour ſaid, "Thoſe whom God hath joined, let no man ſeparate."

And hence is concluded, that matrimony requires continual cohabitation and living together, unleſs the calling of God be otherwiſe evident; which union if the parties themſelves disjoin either by mutual conſent, or one againſt the other's will depart, the marriage is then broken. Wherein the papiſts, as in other things, oppoſe themſelves againſt God; while they ſeparate for many cauſes from bed and board, and yet will have the bond of matrimony remain, as if this covenant could be other than the conjunction and communion not only of bed and board, but of all other loving and helpful duties. This we may ſee in theſe words; "I will make him a help meet for him; bone of his bone, and fleſh of his fleſh: for this cauſe ſhall he leave father and mother, and cleave to his wife, and they twain ſhall be one fleſh."

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By which words who diſcerns not, that God requires of them both ſo to live together, and to be united not only in body but in mind alſo, with ſuch an affection as none may be dearer and more ardent among all the relations of mankind, nor of more efficacy to the mutual offices of love and loyalty? They muſt communicate and conſent in all things both divine and human, which have any moment to well and happy living. The wife muſt honour and obey her huſband, as the church honours and obeys Chriſt her head. The huſband muſt love and cheriſh his wife, as Chriſt his church. Thus they muſt be to each other, if they will be true man and wife in the ſight of God, whom certainly the churches ought to follow in their judgment. Now the proper and ultimate end of marriage is not copulation, or children, for then there was not true matrimony between Joſeph and Mary the mother of Chriſt, nor between many holy perſons more; but the full and proper and main end of marriage is the communicating of all duties, both divine and human, each to other with utmoſt benevolence and affection.

CHAP. XXXIX.

The properties of a true and chriſtian marriage more diſtinctly repeated.

BY which definition we may know, that God eſteems and reckons upon theſe four neceſſary properties to be in every true marriage. 1. That they ſhould live together, unleſs the calling of God require otherwiſe for a time. 2. That they ſhould love one another to the height of dearneſs, and that in the Lord, and in the communion of true religion. 3. That the huſband bear himſelf as the head and preſerver of his wife, inſtructing her to all godlineſs and integrity of life; that the wife alſo be to her huſband a help, according to her place, eſpecially furthering him in the true worſhip of God, and next in all the occaſions of civil life. And 4. That they defraud not each other of conjugal benevolence, as the apoſtle commands, 1 Cor. vii. Hence it follows, according to

the ſentence of God, which all Chriſtians ought to be ruled by, that between thoſe, who either through obſtinacy, or helpleſs inability, cannot or will not perform theſe repeated duties, between thoſe there can be no true matrimony, nor ought they to be counted man and wife.

CHAP. XL.

Whether thoſe crimes recited chap. xxxvii. *out of the civil law, diſſolve matrimony in God's account.*

NOW if a huſband or wife be found guilty of any of thoſe crimes, which by the law "conſenſu" are made cauſes of divorce, it is manifeſt, that ſuch a man cannot be the head and preſerver of his wife, nor ſuch a woman be a meet help to her huſband, as the divine law in true wedlock requires; for theſe faults are puniſhed either by death, or deportation, or extreme infamy, which are directly oppoſite to the covenant of marriage. If they deſerve death, as adultery and the like, doubtleſs God would not that any ſhould live in wedlock with them whom he would not have to live at all. Or if it be not death, but the incurring of notorious infamy, certain it is neither juſt, nor expedient, nor meet, that an honeſt man ſhould be coupled with an infamous woman, nor an honeſt matron with an infamous man. The wiſe Roman princes had ſo great a regard to the equal honour of either wedded perſon, that they counted thoſe marriages of no force, which were made between the one of good repute, and the other of evil note. How much more will all honeſt regard of chriſtian expedience and comelineſs beſeem and concern thoſe who are ſet free and dignified in Chriſt, than it could the Roman ſenate, or their ſons, for whom that law was provided?

And this all godly men will ſoon apprehend, that he who ought to be the head and preſerver not only of his wife, but alſo of his children and family, as Chriſt is of his church, had need be one of honeſt name: ſo likewiſe the wife, which is to be the meet help of an honeſt and good man, the mother of an honeſt offspring and family, the

the glory of the man, even as the man is the glory of Christ, ſhould not be tainted with ignominy; as neither of them can avoid to be, having been juſtly appeached of thoſe forenamed crimes; and therefore cannot be worthy to hold their place in a chriſtian family: yea, they themſelves turn out themſelves and diſſolve that holy covenant. And they who are true brethen and ſiſters in the Lord are no more in bondage to ſuch violators of marriage.

But here the patrons of wickedneſs and diſſolvers of chriſtrian diſcipline will object, that it is the part of man and wife to bear one another's croſs, whether in calamity or infamy, that they might gain each other, if not to a good name, yet to repentance and amendment. But they who thus object, ſeek the impunity of wickedneſs, and the favour of wicked men, not the duties of true charity; which prefers public honeſty before private intereſt, and had rather the remedies of wholeſome puniſhment appointed by God ſhould be in uſe, than that by remiſſneſs the licence of evil doing ſhould increaſe. For if they who, by committing ſuch offences, have made void the holy knot of marriage, be capable of repentance they will be ſooner moved when due puniſhment is exe cuted on them, than when it is remitted.

We muſt ever beware, leſt, in contriving what will be beſt for the ſoul's health of delinquents, we make ourſelves wiſer and diſcreeter than God. He that religiouſly weighs his oracles concerning marriage, cannot doubt, that they, who have committed the foreſaid tranſgreſſions, have loſt the right of matrimony, and are unworthy to hold their dignity in an honeſt and chriſtian family.

But if any huſband or wife ſee ſuch ſigns of repentance in their tranſgeſſor, as that they doubt not to regain them by continuing with them, and partaking of their miſeries and attaintures, they may be left to their own hopes, and their own mind; ſaving ever the right of church and commonwealth, that it receive no ſcandal by the neglect of due ſeverity, and their children no harm by this invitation to licence, and want of good education.

From all theſe conſiderations, if they be thought on, as in the preſence of God, and out of his word, any one

may perceive, who deſires to determine of theſe things by the ſcripture, that thoſe cauſes of lawful divorce, which the moſt religious emperors Theodoſius and Valentinian ſet forth in the forecited place, are according to the law of God, and the prime inſtitution of marriage; and were ſtill more and more ſtraitened, as the church and ſtate of the empire ſtill more and more corrupted and degenerated. Therefore pious princes and commonwealths both may and ought eſtabliſh them again, if they have a mind to reſtore the honour, ſanctity, and religion of holy wedlock to their people, and diſentangle many conſciences from a miſerable and perilous condition, to a chaſte and honeſt life.

To thoſe recited cauſes wherefore a wife might ſend a divorce to her huſband, Juſtinian added four more, Conſtit. 117; and four more, for which a man might put away his wife. Three other cauſes were added in the Code "de repudiis, l. Jubemus." All which cauſes are ſo clearly contrary to the firſt intent of marriage, that they plainly diſſolve it. I ſet them not down, being eaſy to be found in the body of the civil law.

It was permitted alſo by chriſtian emperors, that they who would divorce by mutual conſent, might without impediment. Or if there were any difficulty at all in it, the law expreſſes the reaſon, that it was only in favour of the children; ſo that if there were none, the law of thoſe godly emperors made no other difficulty of a divorce by conſent. Or if any were minded without conſent of the other to divorce, and without thoſe cauſes which have been named, the chriſtian emperors laid no other puniſhment upon them, than that the huſband wrongfully divorcing his wife ſhould give back her dowry, and the uſe of that which was called "Donatio propter nuptias;" or if there were no dowry nor no donation, that he ſhould then give her the fourth part of his goods. The like penalty was inflicted on the wife departing without juſt cauſe. But that they who were once married ſhould be compelled to remain ſo ever againſt their wills, was not exacted. Wherein thoſe pious princes followed the law of God in Deut. xxiv, 1, and his expreſs charge by the prophet Malachi, to diſmiſs from

from him the wife whom he hates. For God never meant in marriage to give to man a perpetual torment instead of a meet help. Neither can God approve, that to the violation of this holy league (which is violated as ſoon as true affection ceaſes and is loſt) ſhould be added murder, which is already committed by either of them who reſolvedly hates the other, as I ſhowed out of 1 John xv: "Whoſo hateth his brother, is a murderer."

CHAP. XLI.

Whether the huſband or wife deſerted may marry to another.

THE wife's deſertion of her huſband the chriſtian emperors plainly decreed to be a juſt cauſe of divorce, whenas they granted him the right thereof, if ſhe had but lain out one night againſt his will without probable cauſe. But of the man deſerting his wife they did not ſo determine: yet if we look into the word of God, we ſhall find, that he who though but for a year without juſt cauſe forſakes his wife, and neither provides for her maintenance, nor ſignifies his purpoſe of returning, and good will towards her, whenas he may, hath forfeited his right in her ſo forſaken. For the ſpirit of God ſpeaks plainly, that both man and wife have ſuch power over one another's perſon, as that they cannot deprive each other of living together, but by conſent, and for a time.

Hither may be added, that the holy ſpirit grants deſertion to be a cauſe of divorce, in thoſe anſwers given to the Corinthians concerning a brother or ſiſter deſerted by a miſbeliever. "If he depart, let him depart, a brother or a ſiſter is not under bondage in ſuch caſes." In which words, who ſees not that the Holy Ghoſt openly pronounced, that the party without cauſe deſerted is not bound for another's wilful deſertion, to abſtain from marriage, if he have need thereof?

But ſome will ſay, that this is ſpoken of a miſbeliever departing. But I beſeech ye, doth not he reject the faith of Chriſt in his deeds, who raſhly breaks the holy covenant of wedlock inſtituted by God? And beſides this,

the holy ſpirit does not make the miſbelieving of him who departs, but the departing of him who diſbelieves, to be the juſt cauſe of freedom to the brother or ſiſter.

Since therefore it will be agreed among Chriſtians, that they who depart from wedlock without just cauſe, do not only deny the faith of matrimony, but of Chriſt alſo, whatever they profeſs with their mouths; it is but reaſon to conclude, that the party deſerted is not bound in caſe of cauſeleſs deſertion, but that he may lawfully ſeek another conſort, if it be needful to him, toward a pure and blameleſs converſation.

CHAP. XLII.

The impotence of body, leproſy, madneſs, &c. are juſt cauſes of divorce.

Of this, becauſe it was not diſputed in the Doctrine and Diſcipline of Divorce, him that would know further, I commend to the Latin original.

CHAP. XLIII.

That to grant divorce for all the cauſes which have been hitherto brought, diſagrees not from the words of Chriſt, naming only the cauſe of adultery.

NOW we muſt ſee how theſe things can ſtand with the words of our Saviour, who ſeems directly to forbid all divorce except it be for adultery. To the underſtanding whereof, we muſt ever remember this: That in the words of our Saviour there can be no contrariety: That his words and anſwers are not to be ſtretched beyond the queſtion propoſed: That our Saviour did not there purpoſe to treat of all the cauſes for which it might be lawful to divorce and marry again; for then that in the Corinthians of marrying again without guilt of adultery could not be added. That it is not good for that man to be alone, who hath not the ſpecial gift from above. That it

it is good for every ſuch one to be married, that he may ſhun fornication.

With regard to theſe principles, let us ſee what our Lord anſwered to the tempting Phariſees about divorce, and ſecond marriage, and how far his anſwer doth extend.

Firſt, no man who is not very contentious will deny, that the Phariſees aſked our Lord whether it were lawful to put away ſuch a wife, as was truly, and according to God's law, to be counted a wife; that is, ſuch a one as would dwell with her huſband, and both would and could perform the neceſſary duties of wedlock tolerably. But ſhe who will not dwell with her huſband is not put away by him, but goes of herſelf: and ſhe who denies to be a meet help, or to be ſo hath made herſelf unfit by open miſdemeanours, or through incurable impotencies cannot be able, is not by the law of God to be eſteemed a wife; as hath been ſhewn both from the firſt inſtitution, and other places of ſcripture. Neither certainly would the Phariſees propound a queſtion concerning ſuch an unconjugal wife; for their depravation of the law had brought them to that paſs, as to think a man had right to put away his wife for any cauſe, though never ſo ſlight. Since therefore it is manifeſt, that Chriſt anſwered the Phariſees concerning a fit and meet wife according to the law of God, whom he forbid to divorce for any cauſe but fornication; who ſees not that it is a wickedneſs ſo to wreſt and extend that anſwer of his, as if it forbad to divorce her who hath already forſaken, or hath loſt the place and dignity of a wife, by deſerved infamy, or hath undertaken to be that which ſhe hath not natural ability to be?

This truth is ſo powerful, that it hath moved the papiſts to grant their kind of divorce for other cauſes beſides adultery, as for ill uſage, and the not performing of conjugal duty; and to ſeparate from bed and board for theſe cauſes, which is as much divorce as they grant for adultery.

But ſome perhaps will object, that though it be yielded that our Lord granted divorce not only for adultery, yet it is not certain, that he permitted marriage

riage after divorce, unleſs for that only cauſe. I anſwer, firſt, that the ſentence of divorce and ſecond marriage is one and the ſame. So that when the right of divorce is evinced to belong not only to the cauſe of fornication, the power of ſecond marriage is alſo proved to be not limited to that cauſe only; and that moſt evidently whenas the Holy Ghoſt, 1 Cor. vii, ſo frees the deſerted party from bondage, as that he may not only ſend a juſt divorce in caſe of deſertion, but may ſeek another marriage.

Laſtly, ſeeing God will not that any ſhould live in danger of fornication and utter ruin for the default of another, and hath commanded the huſband to ſend away with a bill of divorce her whom he could not love; it is impoſſible that the charge of adultery ſhould belong to him who for lawful cauſes divorces and marries, or to her who marries after ſhe hath been unjuſtly rejected, or to him who receives her without all fraud to the former wedlock. For this were a horrid blaſphemy againſt God, ſo to interpret his words, as to make him diſſent from himſelf; for who ſees not a flat contradiction in this, to enthral blameleſs men and women to miſeries and injuries, under a falſe and ſoothing title of marriage, and yet to declare by his apoſtle, that a brother or ſiſter is not under bondage in ſuch caſes? No leſs do theſe two things conflict with themſelves, to enforce the innocent and faultleſs to endure the pain and miſery of another's perverſeneſs, or elſe to live in unavoidable temptation; and to affirm elſewhere that he lays on no man the burden of another man's ſin, nor doth conſtrain any man to the endangering of his ſoul.

CHAP. XLIV.

That to thoſe alſo who are juſtly divorced, ſecond marriage ought to be permitted.

This although it be well proved, yet becauſe it concerns only the offender, I leave him to ſearch out his own charter himſelf in the author.

CHAP.

CHAP. XLV.

That ſome perſons are ſo ordained to marriage, as that they cannot obtain the gift of continence, no not by earneſt prayer; and that therein every one is to be left to his own judgment and conſcience, and not to have a burden laid upon him by any other.

CHAP. XLVI.

The words of the Apoſtle concerning the praiſe of ſingle life unfolded.

Theſe two chapters not ſo immediately debating the right of divorce, I chooſe rather not to inſert.

CHAP. XLVII.

The concluſion of this treatiſe.

THESE things, moſt renowned king, I have brought together, both to explain for what cauſes the unhappy but ſometimes moſt neceſſary help of divorce ought to be granted according to God's word, by princes and rulers; as alſo to explain how the words of Chriſt do conſent with ſuch a grant. I have been large indeed both in handling thoſe oracles of God, and in laying down thoſe certain principles, which he who will know what the mind of God is in this matter, muſt ever think on and remember. But if we conſider what miſt and obſecurity hath been poured out by Antichriſt upon this queſtion, and how deep this pernicious contempt of wedlock, and admiration of ſingle life, even in thoſe who are not called thereto, hath ſunk into many men's perſuaſions; I fear leſt all that hath been ſaid be hardly enough to perſuade ſuch, that they would ceaſe at length to make themſelves wiſer and holier than God himſelf, in

in being ſo ſevere to grant lawful marriage, and ſo eaſy to connive at all, not only whoredoms but deflowerings and adulteries: whenas, among the people of God, no whoredom was to be tolerated.

Our Lord Jeſus Chriſt, who came to deſtroy the works of Satan, ſent down his ſpirit upon all Chriſtians, and principally upon chriſtian governors both in church and commonwealth (for of the clear judgment of your royal majeſty I nothing doubt, revolving the ſcripture ſo often as ye do) that they may acknowledge how much they provoke the anger of God againſt us, whenas all kind of unchaſtity is tolerated, fornications and adulteries winked at; but holy and honourable wedlock is oft withheld by the mere perſuaſion of Antichriſt, from ſuch as without this remedy cannot preſerve themſelves from damnation! For none who hath but a ſpark of honeſty will deny, that princes and ſtates ought to uſe diligence toward the maintaining of pure and honeſt life among all men, without which all juſtice, all fear of God, and true religion decays.

And who knows not, that chaſtity and pureneſs of life can never be reſtored, or continued in the commonwealth, unleſs it be firſt eſtabliſhed in private houſes, from whence the whole breed of men is to come forth? To effect this, no wiſe man can doubt, that it is neceſſary for princes and magiſtrates firſt with ſeverity to puniſh whoredom and adultery; next to ſee that marriages be lawfully contracted, and in the Lord; then that they be faithfully kept; and laſtly, when that unhappineſs urges, that they be lawfully diſſolved, and other marriage granted, according as the law of God, and of nature, and the conſtitutions of pious princes have decreed; as I have ſhewn both by evident authorities of ſcripture, together with the writings of the ancient fathers, and other teſtimonies. Only the Lord grant that we may learn to prefer his ever juſt and ſaving word, before the comments of Antichriſt, too deeply rooted in many, and the falſe and blaſphemous expoſition of our Saviour's words. Amen.

A POSTSCRIPT.

THUS far Martin Bucer: whom, where I might without injury to either part of the cauſe, I deny not to have epitomized; in the reſt obſerving a well-warranted rule, not to give an inventory of ſo many words, but to weigh their force. I could have added that eloquent and right chriſtian diſcourſe, written by Eraſmus on this argument, not diſagreeing in effect from Bucer. But this, I hope, will be enough to excuſe me with the mere Engliſhman, to be no forger of new and looſe opinions. Others may read him in his own phraſe on the firſt to the Corinthians, and eaſe me who never could delight in long citations, much leſs in whole traductions; whether it be natural diſpoſition or education in me, or that my mother bore me a ſpeaker of what God made mine own, and not a tranſlator. There be others alſo whom I could reckon up, of no mean account in the church (and Peter Martyr among the firſt) who are more than half our own in this controverſy. But this is a providence not to be ſlighted, that as Bucer wrote this tractate of divorce in England and for England, ſo Eraſmus profeſſes he begun here among us the ſame ſubject, eſpecially out of compaſſion, for the need he ſaw this nation had of ſome charitable redreſs herein; and ſeriouſly exhorts others to uſe their beſt induſtry in the clearing of this point, wherein cuſtom hath a greater ſway than verity. That therefore which came into the mind of theſe two admired ſtrangers to do for England, and in a touch of higheſt prudence, which they took to be not yet recovered from monaſtic ſuperſtition, if I a native am found to have done for mine own country, altogether ſuitably and conformably to their ſo large and clear underſtanding, yet without the leaſt help of theirs; I ſuppoſe that henceforward among conſcionable and judicious perſons it will no more be thought to my diſcredit, or at all to this nation's diſhonour. And if theſe their books the one ſhall be printed often with beſt allowance in moſt religious cities, the other with expreſs authority of Leo the Tenth, a pope, ſhall, for the propagating of truth,

truth, be publiſhed and republiſhed, though againſt the received opinion of that church, and mine containing but the ſame thing, ſhall in a time of reformation, a time of free ſpeaking, free writing, not find a permiſſion to the preſs; I refer me to wiſeſt men, whether truth be ſuffered to be truth, or liberty to be liberty now among us, and be not again in danger of new fetters and captivity after all our hopes and labours loſt: and whether learning be not (which our enemies too prophetically feared) in the way to be trodden down again by ignorance. Whereof while time is, out of the faith owing to God and my country, I bid this kingdom beware; and doubt not but God who hath dignified this parliament already to ſo many glorious degrees, will alſo give them (which is a ſingular bleſſing) to inform themſelves rightly in the midſt of an unprincipled age, and to prevent this working myſtery of ignorance and eccleſiaſtical thraldom, which under new ſhapes and diſguiſes begins afreſh to grow upon us.

TETRACHORDON:

EXPOSITIONS

UPON

The four chief places in Scripture which treat of Marriage, or Nullities in Marriage.

On { GEN. I, 27, 28, compared and explained by Gen. ii, 18, 23, 24.
DEUT. XXIV, 1, 2.
MATT. V, 31, 32, with Matt. xix, from ver. 3, to 11,
1 COR. VII, from ver. 10, to 16.

Wherein the Doctrine and Diſcipline of Divorce, as was lately publiſhed, is confirmed by explanation of ſcripture, by teſtimony of ancient fathers, of civil laws in the primitive church, of famouſeſt reformed divines; and laſtly, by an intended act of the parliament and church of England in the laſt year of Edward the Sixth.

—— Σκαιοῖσι καινὰ προσφέρων σοφὰ
Δοξεις ἀχρεῖος, κὐ σοφὸς πεφυκέναι·
Τῶν δ' αὖ δοκούντων εἰδέναι τι ποικίλον,
Κρείσσων νομισθεὶς ἐν πόλει, λυπρὸς φανῇ.

Euripid. Medea.

TO THE PARLIAMENT.

THAT which I knew to be the part of a good magiſtrate, aiming at true liberty through the right information of religious and civil life, and that which I ſaw, and was partaker of, your vows and ſolemn covenants, parliament of England! your actions alſo manifeſtly tending to exalt the truth, and to depreſs the tyranny of errour and ill cuſtom, with more conſtancy and proweſs than ever yet any, ſince that parliament which put the firſt ſceptre of this kingdom into his hand whom God and extraordinary virtue made their monarch; were the cauſes

cauſes that moved me, one elſe not placing much in the eminence of a dedication, to preſent your high notice with a diſcourſe, conſcious to itſelf of nothing more than of diligence, and firm affection to the public good. And that ye took it ſo as wiſe and impartial men, obtaining ſo great power and dignity, are wont to accept, in matters both doubtful and important, what they think offered them well meant, and from a rational ability, I had no leſs than to perſuade me. And on that perſuaſion am returned, as to a famous and free port, myſelf alſo bound by more than a maritime law, to expoſe as freely what fraughtage I conceive to bring of no trifles. For although it be generally known, how and by whom ye have been inſtigated to a hard cenſure of that former book, entitled, " The Doctrine and Diſcipline of Divorce," an opinion held by ſome of the beſt among reformed writers without ſcandal or confutement, though now thought new and dangerous by ſome of our ſevere Gnoſtics, whoſe little reading, and leſs meditating, holds ever with hardeſt obſtinacy that which it took up with eaſieſt credulity; I do not find yet that aught, for the furious incitements which have been uſed, hath iſſued by your appointment, that might give the leaſt interruption or diſrepute either to the author, or to the book. Which he who will be better adviſed than to call your neglect or connivance at a thing imagined ſo perilous, can attribute it to nothing more juſtly, than to the deep and quiet ſtream of your direct and calm deliberations, that gave not way either to the fervent raſhneſs, or the immaterial gravity of thoſe who ceaſed not to exaſperate without cauſe. For which uprightneſs and incorrupt refuſal of what ye were incenſed to, lords and commons! (though it were done to juſtice, not to me, and was a peculiar demonſtration how far your ways are different from the raſh vulgar) beſides thoſe allegiances of oath and duty, which are my public debt to your public labours, I have yet a ſtore of gratitude laid up, which cannot be exhauſted; and ſuch thanks perhaps they may live to be, as ſhall more than whiſper to the next ages. Yet that the author may be known to ground himſelf upon his own innocence, and the merit of his cauſe, not upon the

the favour of a diverſion, or a delay to any juſt cenſure, but wiſhes rather he might ſee thoſe his detractors at any fair meeting, as learned debatements are privileged with due freedom under equal moderators; I ſhall here briefly ſingle one of them (becauſe he hath obliged me to it) who I perſwade me having ſcarce read the book, nor knowing him who writ it, or at leaſt feigning the latter, hath not forborn to ſcandalize him, unconferred with, unadmoniſhed, undealt with by any paſtorly or brotherly convincement, in the moſt open and invective manner, and at the moſt bitter opportunity that drift or ſet deſign could have invented. And this, when as the canon law, though commonly moſt favouring the boldneſs of their prieſts, puniſhes the naming or traducing of any perſon in the pulpit, was by him made no ſcruple. If I ſhall therefore take licence by the right of nature, and that liberty wherein I was born, to defend myſelf publicly againſt a printed calumny, and do willingly appeal to thoſe judges to whom I am accuſed, it can be no immoderate or unallowable courſe of ſeeking ſo juſt and needful reparations. Which I had done long ſince, had not thoſe employments, which are now viſible, deferred me. It was preached before ye, lords and commons! in Auguſt laſt upon a ſpecial day of humiliation, that "there was a wicked book abroad," and ye were taxed of ſin that it was yet "uncenſured, the book deſerving to be burnt;" and "impudence" alſo was charged upon the author, who durſt "ſet his name to it, and dedicate it to yourſelves!" Firſt, lords and commons! I pray to that God, before whom ye then were proſtrate, ſo to forgive ye thoſe omiſſions and treſpaſſes, which ye deſire moſt ſhould find forgiveneſs, as I ſhall ſoon ſhow to the world how eaſily ye abſolve yourſelves of that which this man calls your ſin, and is indeed your wiſdom, and your nobleneſs, whereof to this day ye have done well not to repent. He terms it "a wicked book," and why but "for allowing other cauſes of divorce, than Chriſt and his apoſtles mention?" and with the ſame cenſure condemns of wickedneſs not only Martin Bucer, that elect inſtrument of reformation, highly honoured, and had in reverence by Edward the Sixth, and his whole

parliament, whom alſo I had publiſhed in Engliſh by a good providence, about a week before this calumnious digreſſion was preached; ſo that if he knew not Bucer then, as he ought to have known, he might at leaſt have known him ſome months after, ere the ſermon came in print; wherein notwithſtanding he perſiſts in his former ſentence, and condemns again of wickedneſs, either ignorantly or wilfully, not only Martin Bucer, and all the choiceſt and holieſt of our reformers, but the whole parliament and church of England in thoſe beſt and pureſt times of Edward the Sixth. All which I ſhall prove with good evidence, at the end of theſe explanations. And then let it be judged and ſeriouſly conſidered with what hope the affairs of our religion are committed to one among others, who hath now only left him which of the twain he will chooſe, whether this ſhall be his palpable ignorance, or the ſame wickedneſs of his own book, which he ſo laviſhly imputes to the writings of other men: and whether this of his, that thus peremptorily defames and attaints of wickedneſs unſpotted churches, unblemiſhed parliaments, and the moſt eminent reſtorers of chriſtian doctrine, deſerve not to be burnt firſt. And if his heat had burſt out only againſt the opinion, his wonted paſſion had no doubt been ſilently borne with wonted patience. But ſince, againſt the charity of that ſolemn place and meeting, it ſerved him further to inveigh opprobriouſly againſt the perſon, branding him with no leſs than impudence, only for ſetting his name to what he had written; I muſt be excuſed not to be ſo wanting to the defence of an honeſt name, or to the reputation of thoſe good men who afford me their ſociety, but to be ſenſible of ſuch a foul endeavoured diſgrace: not knowing aught either in mine own deſerts, or the laws of this land, why I ſhould be ſubject, in ſuch a notorious and illegal manner, to the intemperances of this man's preaching choler. And indeed to be ſo prompt and ready in the midſt of his humbleneſs, to toſs reproaches of this bulk and ſize, argues as if they were the weapons of his exerciſe, I am ſure not of his miniſtry, or of that day's work. Certainly to ſubſcribe my name at what I was to own, was what

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the ſtate had ordered and requires. And he who liſts not to be malicious, would call it ingenuity, clear conſcience, willingneſs to avouch what might be queſtioned, or to be better inſtructed. And if God were ſo diſpleaſed with thoſe, Iſa. lviii, who "on the ſolemn faſt were wont to ſmite with the fiſt of wickedneſs," it could be no ſign of his own humiliation accepted, which diſpoſed him to ſmite ſo keenly with a reviling tongue. But if only to have writ my name muſt be counted "impudence," how doth this but juſtify another, who might affirm with as good warrant, that the late diſcourſe of "Scripture and Reaſon," which is certain to be chiefly his own draught, was publiſhed without a name, out of baſe fear, and the ſly avoidance of what might follow to his detriment, if the party at court ſhould hap to reach him? And I, to have ſet my name, where he accuſes me to have ſet it, am ſo far from recanting, that I offer my hand alſo if need be, to make good the ſame opinion which I there maintain, by inevitable conſequences drawn parallel from his own principal arguments in that of "Scripture and Reaſon:" which I ſhall pardon him if he can deny, without ſhaking his own compoſition to pieces. The "impudence" therefore, ſince he weighed ſo little what a groſs revile that was to give his equal, I ſend him back again for a phylactery to ſtitch upon his arrogance, that cenſures not only before conviction, ſo bitterly without ſo much as one reaſon given, but cenſures the congregation of his governors to their faces, for not being ſo haſty as himſelf to cenſure.

And whereas my other crime is, that I addreſſed the dedication of what I had ſtudied to the parliament; how could I better declare the loyalty which I owe to that ſupreme and majeſtic tribunal, and the opinion which I have of the high entruſted judgment, and perſonal worth aſſembled in that place? With the ſame affections therefore, and the ſame addicted fidelity, parliament of England! I here again have brought to your peruſal on the ſame argument theſe following expoſitions of ſcripture. The former book, as pleaſed ſome to think, who were thought judicious, had of reaſon in it to a ſufficiency; what they required was, that the ſcriptures there alleged

might be diſcuſſed more fully. To their deſires thus much further hath been laboured in the ſcriptures. Another ſort alſo, who wanted more authorities and citations, have not been here unthought of. If all this attain not to ſatisfy them, as I am confident that none of thoſe our great controverſies at this day hath had a more demonſtrative explaining, I muſt confeſs to admire what it is: for doubtleſs it is not reaſon now a days that ſatisfies or ſuborns the common credence of men, to yield ſo eaſily, and grow ſo vehement in matters much more diſputable, and far leſs conducing to the daily good and peace of life. Some whoſe neceſſary ſhifts have long enured them to cloak the defects of their unſtudied years, and hatred now to learn, under the appearance of a grave ſolidity (which eſtimation they have gained among weak perceivers,) find the eaſe of ſlighting what they cannot refute, and are determined, as I hear, to hold it not worth the anſwering. In which number I muſt be forced to reckon that doctor, who in a late equivocating treatiſe plauſibly ſet afloat againſt the Dippers, diving the while himſelf with a more deep prelatical malignance againſt the preſent ſtate and church-government, mentions with ignominy "the Tractate of Divorce;" yet anſwers nothing, but inſtead thereof (for which I do not commend his marſhalling) ſets Moſes alſo among the crew of his Anabaptiſts; as one who to a holy nation; the commonwealth of Iſrael, gave laws "breaking the bonds of marriage to inordinate luſt." Theſe are no mean ſurges of blaſphemy, not only dipping Moſes the divine lawgiver, but daſhing with a high hand againſt the juſtice and purity of God himſelf: as theſe enſuing ſcriptures plainly and freely handled ſhall verify, to the launching of that old apoſtemated errour. Him therefore I leave now to his repentance.

Others, which is their courteſy, confeſs that wit and parts may do much to make that ſeem true which is not; as was objected to Socrates by them who could not reſiſt his efficacy, that he ever made the worſt cauſe ſeem the better; and thus thinking themſelves diſcharged of the difficulty, love not to wade further into the

the fear of a convincement. Theſe will be their excuſes to decline the full examining of this ſerious point. So much the more I preſs it and repeat it, lords and commons! that ye beware while time is, ere this grand ſecret, and only art of ignorance affecting tyranny, grow powerful, and rule among us. For if ſound argument and reaſon ſhall be thus put off, either by an undervaluing ſilence, or the maſterly cenſure of a railing word or two in the pulpit, or by rejecting the force of truth, as the mere cunning of eloquence and ſophiſtry; what can be the end of this, but that all good learning and knowledge will ſuddenly decay? Ignorance, and illiterate preſumption, which is yet but our diſeaſe, will turn at length into our very conſtitution, and prove the hectic evil of this age: worſe to be feared, if it get once to reign over us, than any fifth monarchy. If this ſhall be the courſe, that what was wont to be a chief commendation, and the ground of other men's confidence in an author, his diligence, his learning, his elocution whether by right, or by ill meaning granted him, ſhall be turned now to a diſadvantage and ſuſpicion againſt him, that what he writes, though unconfuted, muſt therefore be miſtruſted, therefore not received for the induſtry, the exactneſs, the labour in it, confeſſed to be more than ordinary; as if wiſdom had now forſaken the thirſty and laborious inquirer to dwell againſt her nature with the arrogant and ſhallow babbler; to what purpoſe all thoſe pains and that continual ſearching required of us by Solomon to the attainment of underſtanding? Why are men bred up with ſuch care and expenſe to a life of perpetual ſtudies? Why do yourſelves with ſuch endeavour ſeek to wipe off the imputation of intending to diſcourage the progreſs and advance of learning? He therefore, whoſe heart can bear him to the high pitch of your noble enterpriſes, may eaſily aſſure himſelf, that the prudence and far-judging circumſpectneſs of ſo grave a magiſtracy ſitting in parliament, who have before them the prepared and purpoſed act of their moſt religious predeceſſors to imitate in this queſtion, cannot reject the clearneſs of theſe reaſons, and theſe allegations both here and formerly

offered them; nor can overlook the neceſſity of ordaining more wholeſomely and more humanely in the caſualties of divorce, than our laws have yet eſtabliſhed, if the moſt urgent and exceſſive grievances happening in domeſtic life be worth the laying to heart; which, unleſs charity be far from us, cannot be neglected. And that theſe things both in the right conſtitution, and in the right reformation of a commonwealth call for ſpeedieſt redreſs, and ought to be the firſt conſidered, enough was urged in what was prefaced to that monument of Bucer, which I brought to your remembrance, and the other time before. Henceforth, except new cauſe be given, I ſhall ſay leſs and leſs. For if the law make not timely proviſion, let the law, as reaſon is, bear the cenſure of thoſe conſequences, which her own default now more evidently produces. And if men want manlineſs to expoſtulate the right of their due ranſom, and to ſecond their own occaſions, they may ſit hereafter and bemoan themſelves to have neglected through faintneſs the only remedy of their ſufferings, which a ſeaſonable and well-grounded ſpeaking might have purchaſed them. And perhaps in time to come, others will know how to eſteem what is not every day put into their hands, when they have marked events, and better weighed how hurtful and unwiſe it is, to hide a ſecret and pernicious rupture under the ill counſel of a baſhful ſilence. But who would diſtruſt aught, or not be ample in his hopes of your wiſe and chriſtian determinations? who have the prudence to conſider, and ſhould have the goodneſs, like Gods, as ye are called, to find out readily, and by juſt law to adminiſter thoſe redreſſes, which have of old, not without God ordaining, been granted to the adverſities of mankind, ere they who needed, were put to aſk. Certainly, if any other have enlarged his thoughts to expect from this government, ſo juſtly undertaken, and by frequent aſſiſtances from heaven ſo apparently upheld, glorious changes and renovations both in church and ſtate, he among the foremoſt might be named, who prays that the fate of England may tarry for no other deliverers.

JOHN MILTON.

TETRACHORDON:

EXPOSITIONS

UPON

The four chief places in Scripture which treat of Marriage, or Nullities in Marriage.

Geneſis I, 27.

So God created man in his own image, in the image of God created he him; male and female created he them,
28. And God bleſſed them, and God ſaid unto them, Be fruitful, &c.

Gen. II, 18.

And the Lord God ſaid, It is not good that man ſhould be alone, I will make him a help meet for him.
23. And Adam ſaid, this is now bone of my bone, and fleſh of my fleſh; ſhe ſhall be called woman, becauſe ſhe was taken out of man.
24. Therefore ſhall a man leave his father and his mother, and ſhall cleave unto his wife, and they ſhall be one fleſh.

Gen. I, 27.

"SO God created man in his own image."] To be informed aright in the whole hiſtory of marriage, that we may know for certain, not by a forced yoke, but by an impartial definition, what marriage is, and what is not marriage: it will undoubtedly be ſafeſt, faireſt, and moſt with our obedience, to inquire, as our Saviour's direction is, how it was in the beginning. And that we begin ſo high as man created after God's own image, there want not earneſt cauſes. For nothing nowadays is more degenerately forgotten, than the true dignity of man, almoſt in every reſpect, but eſpecially in this prime inſti-

tution of matrimony, wherein his native preeminence ought moſt to ſhine. Although if we conſider that juſt and natural privileges men neither can rightly ſeek, nor dare fully claim, unleſs they be allied to inward goodneſs and ſtedfaſt knowledge, and that the want of this quells them to a ſervile ſenſe of their own conſcious unworthineſs; it may ſave the wondering why in this age many are ſo oppoſite both to human and to chriſtian liberty, either while they underſtand not, or envy others that do; contenting, or rather priding themſelves in a ſpecious humility and ſtrictneſs bred out of low ignorance, that never yet conceived the freedom of the goſpel; and is therefore by the apoſtle to the Coloſſians ranked with no better company than will worſhip and the mere ſhow of wiſdom. And how injurious herein they are, if not to themſelves, yet to their neighbours, and not to them only, but to the all-wiſe and bounteous grace offered us in our redemption, will orderly appear.

"In the image of God created he him."] It is enough determined, that this image of God, wherein man was created, is meant wiſdom, purity, juſtice, and rule over all creatures. All which, being loſt in Adam, was recovered with gain by the merits of Chriſt. For albeit our firſt parent had lordſhip over ſea, and land, and air, yet there was a law without him, as a guard ſet over him. But Chriſt having cancelled the handwriting of ordinances which was againſt us, Coloſſ. ii, 14, and interpreted the fulfilling of all through charity, hath in that reſpect ſet us over law, in the free cuſtody of his love, and left us victorious under the guidance of his living ſpirit, not under the dead letter; to follow that which moſt edifies, moſt aids and furthers a religious life, makes us holieſt and likeſt to his immortal image, not that which makes us moſt conformable and captive to civil and ſubordinate precepts: whereof the ſtricteſt obſervance may oftimes prove the deſtruction not only of many innocent perſons and families, but of whole nations. Although indeed no ordinance human or from Heaven can bind againſt the good of man; ſo that to keep them ſtrictly againſt that end, is all one with to break them. Men of moſt renowned virtue have ſometimes by tranſgreſſing moſt truly kept

kept the law; and wiſeſt magiſtrates have permitted and diſpenſed it; while they looked not peeviſhly at the letter, but with a greater ſpirit at the good of mankind, if always not written in the characters of law, yet engraven in the heart of man by a divine impreſſion. This Heathens could ſee, as the well-read in ſtory can recount of Solon and Epaminondas, whom Cicero in his firſt book of "Invention" nobly defends. "All law," ſaith he, "we ought to refer to the common good, and interpret by that, not by the ſcroll of letters. No man obſerves law for law's ſake, but for the good of them for whom it was made." The reſt might ſerve well to lecture theſe times, deluded through belly doctrines into a devout ſlavery. The Scripture alſo affords us David in the ſhew-bread, Hezekiah in the paſſover, ſound and ſafe tranſgreſſors of the literal command, which alſo diſpenſed not ſeldom with itſelf; and taught us on what juſt occaſions to do ſo: until our Saviour, for whom that great and godlike work was reſerved, redeemed us to a ſtate above preſcriptions, by diſſolving the whole law into charity. And have we not the ſoul to underſtand this, and muſt we againſt this glory of God's tranſcendent love towards us be ſtill the ſervants of a literal indictment?

"Created he him."] It might be doubted why he ſaith, "In the image of God created he him," not them, as well as "male and female" them; eſpecially ſince that image might be common to them both, but male and female could not, however the Jews fable, and pleaſe themſelves with the accidental concurrence of Plato's wit, as if man at firſt had been created hermaphrodite: but then it muſt have been male and female created he him. So had the image of God been equally common to them both, it had no doubt been ſaid, in the image of God created he them. But St. Paul ends the controverſy, by explaining, that the woman is not primarily and immediately the image of God, but in reference to the man, "The head of the woman," ſaith he, 1 Cor. xi, "is the man:" "he the image and glory of God, ſhe the glory of the man;" he not for her, but ſhe for him. Therefore his precept is, "wives be ſubject to your huſbands as is fit in the Lord," Coloſſ. iii, 18; "In every thing,

Eph'

Eph. v. 24. Nevertheleſs man is not to hold her as a ſervant, but receives her into a part of that empire, which God proclaims him to, though not equally, yet largely, as his own image and glory: for it is no ſmall glory to him, that a creature ſo like him ſhould be made ſubject to him. Not but that particular exceptions may have place, if ſhe exceed her huſband in prudence and dexterity, and he contentedly yield: for then a ſuperior and more natural law comes in, that the wiſer ſhould govern the leſs wife, whether male or female. But that which far more eaſily and obediently follows from this verſe is, that, ſeeing woman was purpoſely made for man, and he her head, it cannot ſtand before the breath of this divine utterrance, that man the portraiture of God, joining to himſelf for his intended good and ſolace an inferior ſex, ſhould ſo become her thrall, whoſe wilfulneſs or inability to be a wife fruſtrates the occaſional end of her creation; but that he may acquit himſelf to freedom by his natural birthright, and that indelible character of priority, which God crowned him with. If it be urged, that ſin hath loſt him this, the anſwer is not far to ſeek, that from her the ſin firſt proceeded, which keeps her juſtly in the ſame proportion ſtill beneath. She is not to gain by being firſt in the tranſgreſſion, that man ſhould further loſe to her, becauſe already he hath loſt by her means. Oft it happens, that in this matter he is without fault; ſo that his puniſhment herein is cauſeleſs: and God hath the praiſe in our ſpeeches of him, to ſort his puniſhment in the ſame kind with the offence. Suppoſe he erred; it is not the intent of God or man, to hunt an errour ſo to the death with a revenge beyond all meaſure and proportion. But if we argue thus, this affliction is befallen him for his ſin, therefore he muſt bear it, without ſeeking the only remedy: firſt, it will be falſe, that all affliction comes for ſin, as in the caſe of Job, and of the man born blind, Joh. ix, 3, was evident: next, by that reaſon, all miſeries coming for ſin, we muſt let them all lie upon us like the vermin of an Indian Catharift, which his fond religion forbids him to moleſt. Were it a particular puniſhment inflicted through the anger of God upon a perſon, or upon a land, no law hinders

hinders us in that regard, no law but bids us remove it if we can; much more if it be a dangerous temptation withal; much more yet, if it be certainly a temptation, and not certainly a puniſhment, though a pain. As for what they ſay we muſt bear with patience; to bear with patience, and to ſeek effectual remedies, implies no contradiction. It may no leſs be for our diſobedience, our unfaithfulneſs, and other ſins againſt God, that wives become adulterous to the bed; and queſtionleſs we ought to take the affliction as patiently as Chriſtian prudence would wiſh: yet hereby is not loſt the right of divorcing for adultery. No, you ſay, becauſe our Saviour excepted that only. But why, if he were ſo bent to puniſh our ſins, and try our patience in binding on us a diſaſtrous marriage, why did he except adultery? Certainly to have been bound from divorce in that caſe alſo had been as plentiful a puniſhment to our ſins, and not too little work for the patienteſt. Nay, perhaps they will ſay it was too great a ſufferance; and with as ſlight a reaſon, for no wiſe man but would ſooner pardon the act of adultery once and again committed by a perſon worth pity and forgiveneſs, than to lead a wearifome life of unloving and unquiet converſation with one who neither affects nor is affected, much leſs with one who exerciſes all bitterneſs, and would commit adultery too, but for envy leſt the perſecuted condition ſhould thereby get the benefit of his freedom. It is plain therefore, that God enjoins not this ſuppoſed ſtrictneſs of not divorcing either to puniſh us, or to try our patience.

Moreover, if man be the image of God, which conſiſts in holineſs, and woman ought in the ſame reſpect to be the image and companion of man, in ſuch wife to be loved as the church is beloved of Chriſt; and if, as God is the head of Chriſt, and Chriſt the head of man, ſo man is the head of woman; I cannot ſee by this golden dependance of headſhip and ſubjection, but that piety and religion is the main tie of Chriſtian matrimony: ſo as if there be found between the pair a notorious diſparity either of wickedneſs or hereſy, the huſband by all manner of right is diſengaged from a creature, not made and inflicted on him to the vexation of his righteouſneſs: the

wife

wife alſo, as her ſubjection is terminated in the Lord, being herſelf the redeemed of Chriſt, is not ſtill bound to be the vaſſal of him, who is the bondſlave of Satan: ſhe being now neither the image nor the glory of ſuch a perſon, nor made for him, nor left in bondage to him; but hath recourſe to the wing of charity, and protection of the church, unleſs there be a hope on either ſide: yet ſuch a hope muſt be meant, as may be a rational hope, and not an endleſs ſervitude. Of which hereafter.

—But uſually it is objected, that if it be thus, then there can be no true marriage between miſbelievers and irreligious perſons. I might anſwer, let them ſee to that who are ſuch; the church hath no commiſſion to judge thoſe without, 1 Cor. v. But this they will ſay perhaps, is but penuriouſly to reſolve a doubt. I anſwer therefore, that where they are both irreligious, the marriage may be yet true enough to them in a civil relation. For there are left ſome remains of God's image in man, as he is merely man; which reaſon God gives againſt the ſhedding of man's blood, Gen. ix, as being made in God's image, without expreſſing whether he were a good man or a bad, to exempt the ſlayer from puniſhment. So that in thoſe marriages where the parties are alike void of religion, the wife owes a civil homage and ſubjection, the huſband owes a civil loyalty. But where the yoke is miſyoked, heretic with faithful, godly with ungodly, to the grievance and manifeſt endangering of a brother or ſiſter, reaſons of a higher ſtrain than matrimonial bear ſway; unleſs the goſpel, inſtead of freeing us, debaſe itſelf to make us bond-men, and ſuffer evil to control good.

"Male and female created he them."] This contains another end of matching man and woman, being the right and lawfulneſs of the marriage-bed; though much inferior to the former end of her being his image and help in religious ſociety. And who of weakeſt inſight may not ſee, that this creating of them male and female cannot in any order of reaſon, or chriſtianity, be of ſuch moment againſt the better and higher purpoſes of their creation, as to enthral huſband or wife to duties or to ſufferings, unworthy and unbeſeeming the image of God in

in them? Now whenas not only men, but good men, do ſtand upon their right, their eſtimation, their dignity, in all other actions and deportments, with warrant enough and good conſcience; as having the image of God in them, it will not be difficult to determine what is unworthy and unſeemly for a man to do or ſuffer in wedlock: and the like proportionally may be found for woman, if we love not to ſtand diſputing below the principles of humanity. He that ſaid, "Male and female created he them," immediately before that ſaid alſo in the ſame verſe, "in the image of God created he him," and redoubled it, that our thoughts might not be ſo full of dregs as to urge this poor conſideration of male and female, without remembering the nobleneſs of that former repetition; leſt when God ſends a wiſe eye to examine our trivial gloſſes, they be found extremely to creep upon the ground: eſpecially ſince they confeſs, that what here concerns marriage is but a brief touch, only preparative to the inſtitution which follows more expreſsly in the next chapter; and that Chriſt ſo took it, as deſiring to be briefeſt with them who came to tempt him, account ſhall be given in due place.

Ver. 28. "And God bleſſed them, and God ſaid unto them, be fruitful and multiply, and repleniſh the earth," &c.

This declares another end of matrimony, the propagation of mankind; and is again repeated to Noah and his ſons. Many things might be noted on this place not ordinary, nor unworth the noting; but I undertook not a general comment. Hence therefore we ſee the deſire of children is honeſt and pious; if we be not leſs zealous in our chriſtianity than Plato was in his heatheniſm; who in the ſixth of his laws, counts offſpring therefore deſirable, that we may leave in our ſtead ſons of our ſons, continual ſervants of God: a religious and prudent deſire, if people knew as well what were required to breeding as to begetting; which deſire perhaps was a cauſe, why the Jews hardly could endure a barren wedlock: and Philo, in his book of ſpecial laws, eſteems him only worth pardon, that ſends not barrenneſs away. Carvilius, the

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firſt recorded in Rome to have ſought divorce, had it granted him for the barrenneſs of his wife, upon his oath that he married to the end he might have children; as Dionyſius and Gellius are authors. But to diſmiſs a wife only for barrenneſs, is hard: and yet in ſome the deſire of children is ſo great, and ſo juſt, yea ſometime ſo neceſſary, that to condemn ſuch a one to a childleſs age, the fault apparently not being in him, might ſeem perhaps more ſtrict than needed. Sometimes inheritances, crowns, and dignities are ſo intereſted and annexed in their common peace and good to ſuch or ſuch lineal deſcent, that it may prove of great moment both in the affairs of men and of religion, to conſider thoroughly what might be done herein, notwithſtanding the waywardneſs of our ſchool doctors.

Gen. II, 18.

"And the Lord ſaid, It is not good that man ſhould be alone; I will make him a help meet for him."
Ver. 23. "And Adam ſaid," &c. Ver. 24. "Therefore ſhall a man leave," &c.

THIS ſecond chapter is granted to be a commentary on the firſt, and theſe verſes granted to be an expoſition of that former verſe, "Male and female created he them:" and yet when this male and female is by the explicit words of God himſelf here declared to be not meant other than a fit help, and meet ſociety; ſome, who would engroſs to themſelves the whole trade of interpreting, will not ſuffer the clear text of God to do the office of explaining itſelf.

"And the Lord God ſaid, it is not good."] A man would think, that the conſideration of who ſpake ſhould raiſe up the intention of our minds to inquire better, and obey the purpoſe of ſo great a ſpeaker: for as we order the buſineſs of marriage, that which he here ſpeaks is all made vain; and in the deciſion of matrimony, or not matrimony, nothing at all regarded. Our preſumption hath utterly changed the ſtate and condition of this ordinance: God ordained it in love and helpfulneſs to be indiſſoluble, and we in outward act and formality to be a forced

a forced bondage; ſo that being ſubject to a thouſand errours in the beſt men, if it prove a bleſſing to any, it is of mere accident, as man's law hath handled it, and not of inſtitution.

"It is not good for man to be alone."] Hitherto all things, that have been named, were approved of God to be very good: lonelineſs is the firſt thing, which God's eye named not good: whether it be a thing, or the want of ſomething, I labour not; let it be their tendance, who have the art to be induſtriouſly idle. And here "alone" is meant alone without woman; otherwiſe Adam had the company of God himſelf, and angels to converſe with; all creatures to delight him ſeriouſly, or to make him ſport. God could have created him out of the ſame mould a thouſand friends and brother Adams to have been his conſorts; yet for all this, till Eve was given him, God reckoned him to be alone.

"It is not good."] God here preſents himſelf like to a man deliberating; both to ſhew us that the matter is of high conſequence, and that he intended to found it according to natural reaſon, not impulſive command; but that the duty ſhould ariſe from the reaſon of it, not the reaſon be ſwallowed up in a reaſonleſs duty. "Not good," was as much to Adam before his fall, as not pleaſing, not expedient; but ſince the coming of ſin into the world, to him who hath not received the continence, it is not only not expedient to be alone, but plainly ſinful. And therefore he who wilfully abſtains from marriage, not being ſupernaturally gifted, and he who by making the yoke of marriage unjuſt and intolerable, cauſes men to abhor it, are both in a diabolical ſin, equal to that of Antichriſt, who forbids to marry. For what difference at all whether he abſtain men from marrying, or reſtrain them in a marriage happening totally diſcommodious, diſaſteful, diſhoneſt, and pernicious to him, without the appearance of his fault? For God does not here preciſely ſay, I make a female to this male, as he did before; but expounding himſelf here on purpoſe, he ſaith, becauſe it is not good for man to be alone, I make him therefore a meet help. God ſupplies the privation of not good, with the perfect gift of a real and poſitive good: it is man's

man's perverſe cooking, who hath turned this bounty of God into a ſcorpion, either by weak and ſhallow conſtructions, or by proud arrogance and cruelty to them who neither in their purpoſes nor in their actions have offended againſt the due honour of wedlock.

"Now whereas the Apoſtle's ſpeaking in the ſpirit, 1 Cor. vii, pronounces quite contrary to this word of God, "It is good for a man not to touch a woman," and God cannot contradict himſelf; it inſtructs us, that his commands and words, eſpecially ſuch as bear the manifeſt title of ſome good to man, are not to be ſo ſtrictly wrung, as to command without regard to the moſt natural and miſerable neceſſities of mankind. Therefore the Apoſtle adds a limitation in the 26th verſe of that chapter, for the preſent neceſſity it is good; which he gives us doubtleſs as a pattern how to reconcile other places by the general rule of charity.

"For man to be alone."] Some would have the ſenſe hereof to be in reſpect of procreation only: and Auſtin conteſts that manly friendſhip in all other regards had been a more becoming ſolace for Adam, than to ſpend ſo many ſecret years in an empty world with one woman. But our writers deſervedly reject this crabbed opinion; and defend that there is a peculiar comfort in the married ſtate beſide the genial bed, which no other ſociety affords. No mortal nature can endure either in the actions of religion, or ſtudy of wiſdom, without ſometime ſlackening the cords of intenſe thought and labour: which leſt we ſhould think faulty, God himſelf conceals us not his own recreations before the world was built; "I was," ſaith the eternal wiſdom, "daily his delight, playing always before him." And to him indeed wiſdom is as a high tower of pleaſure, but to us a ſteep hill, and we toiling ever about the bottom: he executes with eaſe the exploits of his omnipotence, as eaſy as with us it is to will: but no worthy enterpriſe can be done by us without continual plodding and weariſomeneſs to our faint and ſenſitive abilities. We cannot therefore always be contemplative, or pragmatical abroad, but have need of ſome delightful intermiſſions, wherein the enlarged ſoul may leave off a while her ſevere ſchooling; and, like a gla-

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youth in wandering vacancy, may keep her holidays to joy and harmleſs paſtime: which as ſhe cannot well do without company, ſo in no company ſo well as where the different ſex in moſt reſembling unlikeneſs, and moſt unlike reſemblance, cannot but pleaſe beſt, and be pleaſed in the aptitude of that variety. Whereof leſt we ſhould be too timorous, in the awe that our flat ſages would form us and dreſs us, wiſeſt Solomon among his graveſt Proverbs countenances a kind of raviſhment and erring fondneſs in the entertainment of wedded leiſures; and in the Song of Songs, which is generally believed, even in the jollieſt expreſſions, to figure the ſpouſals of the Church with Chriſt, ſings of a thouſand raptures between thoſe two lovely ones far on the hither ſide of carnal enjoyment. By theſe inſtances, and more which might be brought, we may imagine how indulgently God provided againſt man's lonelineſs; that he approved it not, as by himſelf declared not good; that he approved the remedy thereof, as of his own ordaining, conſequently good: and as he ordained it, ſo doubtleſs proportionably to our fallen eſtate he gives it; elſe were his ordinance at leaſt in vain, and we for all his gifts ſtill empty handed. Nay, ſuch an unbounteous giver we ſhould make him, as in the fables Jupiter was to Ixion, giving him a cloud inſtead of Juno, giving him a monſtrous iſſue by her, the breed of Centaurs, a neglected and unloved race, the fruits of a deluſive marriage; and laſtly, giving him her with a damnation to that wheel in Hell, from a life thrown into the midſt of temptations and diſorders. But God is no deceitful giver, to beſtow that on us for a remedy of lonelineſs, which if it bring not a ſociable mind as well as a conjunctive body, leaves us no leſs alone than before; and if it bring a mind perpetually averſe and diſagreeable, betrays us to a worſe condition than the moſt deſerted lonelineſs. God cannot in the juſtice of his own promiſe and inſtitution ſo unexpectedly mock us, by forcing that upon us as the remedy of ſolitude, which wraps us in a miſery worſe than any wilderneſs, as the ſpirit of God himſelf judges, Prov. xix, eſpecially knowing that the beſt and wiſeſt men amidſt the ſincere and moſt cordial deſigns of their heart, do

daily err in chooſing. We may conclude therefore, ſeeing orthodoxal expoſitors confeſs to our hands, that by lonelineſs is not only meant the want of copulation, and that man is not leſs alone by turning in a body to him, unleſs there be within it a mind anſwerable; that it is a work more worthy the care and conſultation of God to provide for the worthieſt part of man, which is his mind, and not unnaturally to ſet it beneath the formalities and reſpects of the body, to make it a ſervant of its own vaſſal: I ſay, we may conclude that ſuch a marriage, wherein the mind is ſo diſgraced and vilified below the body's intereſt, and can have no juſt or tolerable contentment, is not of God's inſtitution, and therefore no marriage. Nay, in concluding this, I ſay we conclude no more than what the common expoſitors themſelves give us, both in that which I have recited, and much more hereafter. But the truth is, they give us, in ſuch a manner, as they who leave their own mature poſitions like the eggs of an oſtrich in the duſt; I do but lay them in the ſun; their own pregnancies hatch the truth; and I am taxed of novelties and ſtrange producements, while they, like that inconſiderate bird, know not that theſe are their own natural breed.

"I will make him a help meet for him."] Here the heavenly inſtitutor, as if he laboured not to be miſtaken by the ſupercilious hypocriſy of thoſe that love to maſter their brethren, and to make us ſure that he gave us not now a ſervile yoke, but an amiable knot, contents not himſelf to ſay, I will make him a wife; but reſolving to give us firſt the meaning before the name of a wife, ſaith graciouſly, "I will make him a help meet for him." And here again, as before, I do not require more full and fair deductions than the whole conſent of our divines uſually raiſe from this text, that in matrimony there muſt be firſt a mutual help to piety, next to civil fellowſhip of love and amity, then to generation, ſo to houſehold affairs, laſtly the remedy of incontinence. And commonly they reckon them in ſuch order, as leaves generation and incontinence to be laſt conſidered. This I amaze me at, that though all the ſuperior and nobler ends both of marriage and of the married perſons be ab-

ſolutely fruſtrate, the matrimony ſtirs not, loſes no hold, remains as rooted as the center: but if the body bring but in a complaint of frigidity, by that cold application only this adamantine Alp of wedlock has leave to diſſolve; which elſe all the machinations of religious or civil reaſon at the ſuit of a diſtreſſed mind, either for divine worſhip or human converſation violated, cannot unfaſten. What courts of concupiſcence are theſe, wherein fleſhly appetite is heard before right reaſon, luſt before love or devotion? They may be pious chriſtians together, they may be loving and friendly, they may be helpful to each other in the family, but they cannot couple; that ſhall divorce them, though either party would not. They can neither ſerve God together, nor one be at peace with the other, nor be good in the family one to other, but live as they were dead, or live as they were deadly enemies in a cage together; it is all one, they can couple, they ſhall not divorce till death, no though this ſentence be their death. What is this beſides tyranny, but to turn nature upſide down, to make both religion, and the mind of man wait upon the ſlaviſh errands of the body, and not the body to follow either the ſanctity, or the ſovereignty of the mind, unſpeakably wronged, and with all equity complaining? What is this but to abuſe the ſacred and myſterious bed of marriage to be the compulſive ſtye of an ingrateful and malignant luſt, ſtirred up only from a carnal acrimony, without either love or peace, or regard to any other thing holy or human? This I admire how poſſibly it ſhould inhabit thus long in the ſenſe of ſo many diſputing theologians, unleſs it be the loweſt lees of a canonical infection livergrown to their ſides; which perhaps will never uncling, without the ſtrong abſterſive of ſome heroic magiſtrate, whoſe mind, equal to his high office, dares lead him both to know and to do without their frivolous caſe-putting. For certain he ſhall have God and this inſtitution plainly on his ſide. And if it be true both in divinity and law, that conſent alone, though copulation never follow, makes a marriage; how can they diſſolve it for the want of that which made it not, and not diſſolve it for that not continuing

which made it and ſhould preſerve it in love and reaſon, and difference it from a brute conjugality?

"Meet for him."] The original here is more expreſſive than other languages word for word can render it; but all agree effectual conformity of diſpoſition and affection to be hereby ſignified; which God as it were, not ſatisfied with the naming of a help, goes on deſcribing another ſelf, a ſecond ſelf, a very ſelf itſelf. Yet now there is nothing in the life of man, through our miſconſtruction, made more uncertain, more hazardous and full of chance than this divine bleſſing with ſuch favourable ſignificance here conferred upon us; which if we do but err in our choice, the moſt unblameable errour that can be, err but one minute, one moment after thoſe mighty ſyllables pronounced, which take upon them to join Heaven and Hell together unpardonably till death pardon: this divine bleſſing that looked but now with ſuch a humane ſmile upon us, and ſpoke ſuch gentle reaſon, ſtraight vaniſhes like a fair ſky, and brings on ſuch a ſcene of cloud and tempeſt, as turns all to ſhipwreck without haven or ſhore, but to a ranſomleſs captivity. And then they tell us it is our ſin: but let them be told again, that ſin through the mercy of God hath not made ſuch waſte upon us, as to make utterly void to our uſe any temporal benefit, much leſs any ſo much availing to a peaceful and ſanctified life, merely for a moſt incident errour, which no warineſs can certainly ſhun. And wherefore ſerves our happy redemption, and the liberty we have in Chriſt, but to deliver us from calamitous yokes, not to be lived under without the endangerment of our ſouls, and to reſtore us in ſome competent meaſure to a right in every good thing both of this life, and the other? Thus we ſee how treatably and diſtinctly God hath here taught us what the prime ends of marriage are; mutual ſolace and help. That we are now, upon the moſt irreprehenſible miſtake in chooſing, defeated and defrauded of all this original benignity, was begun firſt through the ſnare of antichriſtian canons long ſince obtruded upon the Church of Rome, and not yet ſcoured off by reformation, out of a lingering

lingering vainglory that abides among us to make fair ſhows in formal ordinances, and to enjoin continence and bearing of croſſes in ſuch a garb as no Scripture binds us, under the thickeſt arrows of temptation, where we need not ſtand. Now we ſhall ſee with what acknowledgement and aſſent Adam received this new aſſociate which God brought him.

Ver. 23. "And Adam ſaid, This is now bone of my bones, and fleſh of my fleſh; ſhe ſhall be called woman, becauſe ſhe was taken out of man."

That there was a nearer alliance between Adam and Eve, than could be ever after between man and wife, is viſible to any. For no other woman was ever moulded out of her huſband's rib, but of mere ſtrangers for the moſt part they come to have that conſanguinity, which they have by wedlock. And if we look nearly upon the matter, though marriage be moſt agreeable to holineſs, to purity, and juſtice, yet is it not a natural, but a civil and ordained relation. For if it were in nature, no law or crime could diſannul it, to make a wife, or huſband, otherwiſe than ſtill a wife or huſband, but only death; as nothing but that can make a father no father, or a ſon no ſon. But divorce for adultery or deſertion, as all our churches agree but England, not only ſeparates, but nullifies, and extinguiſhes the relation itſelf of matrimony, ſo that they are no more man and wife; otherwiſe the innocent party could not marry elſewhere, without the guilt of adultery. Next, were it merely natural, why was it here ordained more than the reſt of moral law to man in his original rectitude, in whoſe breaſt all that was natural or moral was engraven without external conſtitutions and edicts? Adam therefore in theſe words does not eſtabliſh an indiſſoluble bond of marriage in the carnal ligaments of fleſh and bones; for if he did, it would belong only to himſelf in the literal ſenſe, every one of us being nearer in fleſh of fleſh, and bone of bones to our parents than to a wife; they therefore were not to be left for her in that reſpect. But Adam, who had the wiſdom given him to know all creatures, and to name them according to their proper-

ties, no doubt but had the gift to diſcern perfectly that which concerned him much more; and to apprehend at firſt ſight the true fitneſs of that conſort which God provided him. And therefore ſpake in reference to thoſe words which God pronounced before; as if he had ſaid, this is ſhe by whoſe meet help and ſociety I ſhall no more be alone; this is ſhe who was made my image, even as I the image of God; not ſo much in body, as in unity of mind and heart. And he might as eaſily know what were the words of God, as he knew ſo readily what had been done with his rib, while he ſlept ſo ſoundly. He might well know, if God took a rib out of his inſide to form of it a double good to him, he would far ſooner disjoin it from his outſide, to prevent a treble miſchief to him; and far ſooner cut it quite off from all relation for his undoubted eaſe, than nail it into his body again, to ſtick for ever there a thorn in his heart. Whenas nature teaches us to divide any limb from the body to the ſaving of its fellows, though it be the maiming and deformity of the whole; how much more is it her doctrine to ſever by inciſion, not a true limb ſo much, though that be lawful, but an adherent, a ſore, the gangrene of a limb, to the recovery of a whole man? But if in theſe words we ſhall make Adam to erect a new eſtabliſhment of marriage in the mere fleſh, which God ſo lately had inſtituted, and founded in the ſweet and mild familiarity of love and ſolace, and mutual fitneſs; what do we but uſe the mouth of our general parent, the firſt time it opens, to an arrogant oppoſition and cortecting of God's wiſer ordinance? Theſe words therefore cannot import any thing new in marriage, but either that which belongs to Adam only, or to us in reference only to the inſtituting words of God, which made a meet help againſt lonelineſs. Adam ſpake like Adam the words of fleſh and bones, the ſhell and rind of matrimony; but God ſpake like God, of love, and ſolace, and meet help, the ſoul both of Adam's words and of matrimony.

V. 24. "Therefore ſhall a man leave his father and his mother, and ſhall cleave unto his wife; and they ſhall be one fleſh."

This

This verſe, as our common herd expounds it, is the great knot-tier, which hath undone by tying, and by tangling, millions of guiltleſs conſciences: this is that griſly porter, who having drawn men and wiſeſt men by ſubtle allurement within the train of an unhappy matrimony, claps the dungeon-gate upon them, as irrecoverable as the grave. But if we view him well, and hear him with not too haſty and prejudicant ears, we ſhall find no ſuch terrour in him. For firſt, it is not here ſaid abſolutely without all reaſon he ſhall cleave to his wife, be it to his weal or to his deſtruction as it happens, but he ſhall do this upon the premiſes and conſiderations of that meet help and ſociety before mentioned. "Therefore he ſhall cleave to his wife," no otherwiſe a wife than a fit help. He is not bid to leave the dear cohabitation of his father, mother, brothers, and ſiſters, to link himſelf inſeparably with the mere carcaſs of a marriage, perhaps an enemy. This joining particle "Therefore" is in all equity, nay in all neceſſity of conſtruction, to comprehend firſt and moſt principally what God ſpake concerning the inward eſſence of marriage in his inſtitution, that we may learn how far to attend what Adam ſpake of the outward materials thereof in his approbation. For if we ſhall bind theſe words of Adam only to a corporal meaning, and that the force of this injunction upon all us his ſons, to live individually with any woman which hath befallen us in the moſt miſtaken wedlock, ſhall conſiſt not in thoſe moral and relative cauſes of Eve's creation, but in the mere anatomy of a rib, and that Adam's inſight concerning wedlock reached no further, we ſhall make him as very an idiot as the Socinians make him; which would not be reverently done of us. Let us be content to allow our great forefather ſo much wiſdom, as to take the inſtituting words of God along with him into this ſentence, which if they be well minded, will aſſure us that fleſh and ribs are but of a weak and dead efficacy to keep marriage united where there is no other fitneſs. The rib of marriage, to all ſince Adam, is a relation much rather than a bone; the nerves and ſinews thereof are love and meet help, they knit not every couple that marries, and where they knit they ſeldom

break; but where they break, which for the moſt part is where they were never truly joined, to ſuch at the ſame inſtant both fleſh and rib ceaſe to be in common: ſo that here they argue nothing to the continuance of a falſe or violated marriage, but muſt be led back again to receive their meaning from thoſe inſtitutive words of God, which give them all the life and vigour they have.

"Therefore ſhall a man leave his father, &c."] What to a man's thinking more plain by this appointment, that the fatherly power ſhould give place to conjugal prerogative? Yet it is generally held by reformed writers againſt the papiſt, that though in perſons at diſcretion the marriage in itſelf be never ſo fit, though it be fully accompliſhed with benediction, board, and bed, yet the father not conſenting, his main will without diſpute ſhall diſſolve all. And this they affirm only from collective reaſon, not any direct law; for that in Exod. xxii, 17, which is moſt particular, ſpeaks that a father may refuſe to marry his daughter to one who hath defloured her, not that he may take her away from one who hath ſoberly married her. Yet becauſe the general honour due to parents is great, they hold he may, and perhaps hold not amiſs. But again, when the queſtion is of harſh and rugged parents, who defer to beſtow their children ſeaſonably, they agree jointly, that the church or magiſtrate may beſtow them, though without the father's conſent: and for this they have no expreſs authority in ſcripture. So that they may ſee by their own handling of this very place, that it is not the ſtubborn letter muſt govern us, but the divine and ſoftening breath of charity, which turns and winds the dictate of every poſitive command, and ſhapes it to the good of mankind. Shall the outward acceſſory of a father's will wanting rend the fitteſt and moſt affectionate marriage in twain, after all nuptial conſummations; and ſhall not the want of love and the privation of all civil and religious concord, which is the inward eſſence of wedlock, do as much to part thoſe who were never truly wedded? Shall a father have this power to vindicate his own wilful honour and authority to the utter breach of a moſt dearly united marriage, and ſhall not a man in his own power have the permiſſion

permiſſion to free his ſoul, his life, and all his comfort of life from the diſaſter of a no-marriage? Shall fatherhood, which is but man, for his own pleaſure diſſolve matrimony; and ſhall not matrimony, which is God's ordinance, for its own honour and better conſervation diſſolve itſelf, when it is wrong, and not fitted to any of the chief ends which it owes us?

"And they ſhall be one fleſh."] Theſe words alſo infer, that there ought to be an individuality in marriage; but without all queſtion preſuppoſe the joining cauſes. Not a rule yet that we have met with, ſo univerſal in this whole inſtitution, but hath admitted limitations and conditions according to human neceſſity. The very foundation of matrimony, though God laid it deliberately, "that it is not good for man to be alone," holds not always, if the apoſtle can ſecure us. Soon after we are bid leave father and mother, and cleave to a wife, but muſt underſtand the father's conſent withal, elſe not. "Cleave to a wife," but let her be a wife, let her be a meet help, a ſolace, not a nothing, not an adverſary, not a deſertrice; can any law or command be ſo unreaſonable, as to make men cleave to calamity, to ruin, to perdition? In like manner here "they ſhall be one fleſh;" but let the cauſes hold, and be made really good, which only have the poſſibility to make them one fleſh. We know that fleſh can neither join, nor keep together two bodies of itſelf; what is it then muſt make them one fleſh, but likeneſs, but fitneſs of mind and diſpoſition, which may breed the ſpirit of concord, and union between them? If that be not in the nature of either, and that there has been a remedileſs miſtake, as vain we go about to compel them into one fleſh, as if we undertook to weave a garment of dry ſand. It were more eaſy to compel the vegetable and nutritive power of nature to aſſimilations and mixtures, which are not alterable each by other; or force the concoctive ſtomach to turn that into fleſh, which is ſo totally unlike that ſubſtance, as not to be wrought on. For as the unity of mind is nearer and greater than the union of bodies, ſo doubtleſs is the diſſimilitude greater and more dividual, as that which makes between bodies all difference and diſtinction. Eſpecially whenas beſides the

ſingular

ſingular and ſubſtantial differences of every ſoul, there is an intimate quality of good or evil, through the whole progeny of Adam, which like a radical heat, or mortal chillneſs, joins them, or disjoins them irreſiſtibly. In whom therefore either the will, or the faculty is found to have never joined, or now not to continue ſo, it is not to ſay, they ſhall be one fleſh, for they cannot be one fleſh. God commands not impoſſibilities; and all the eccleſiaſtical glue, that liturgy or laymen can compound, is not able to ſodder up two ſuch incongruous natures into the one fleſh of a true beſeeming marriage. Why did Moſes then ſet down their uniting into one fleſh? And I again aſk, why the goſpel ſo oft repeats the eating of our Saviour's fleſh, the drinking of his blood? "That we are one body with him, the members of his body, fleſh of his fleſh, and bone of his bone." Epheſ. v. Yet leſt we ſhould be Capernaitans, as we are told there, that the fleſh profiteth nothing; ſo we are told here, if we be not as deaf as adders, that this union of the fleſh proceeds from the union of a fit help and ſolace. We know, that there was never a more ſpiritual myſtery than this goſpel taught us under the terms of body and fleſh; yet nothing leſs intended than that we ſhould ſtick there. What a ſtupidneſs then is it, that in marriage, which is the neareſt reſemblance of our union with Chriſt, we ſhould deject ourſelves to ſuch a ſluggiſh and underfoot philoſophy, as to eſteem the validity of marriage merely by the fleſh, though never ſo broken and disjointed from love and peace, which only can give a human qualification to that act of the fleſh, and diſtinguiſh it from beſtial? The text therefore uſes this phraſe, that "they ſhall be one fleſh," to juſtify and make legitimate the rites of marriage-bed; which was not unneedful, if for all this warrant they were ſuſpected of pollution by ſome ſects of philoſophy, and religions of old, and latelier among the papiſts, and other heretics elder than they. Some think there is a high myſtery in thoſe words, from that which Paul ſaith of them, Epheſ. v, "This is a great myſtery, but I ſpeak of Chriſt and the Church:" and thence they would conclude marriage to be inſeparable. For me I diſpute not now whether matrimony be a myſtery

myſtery or no; if it be of Chriſt and his church, certainly it is not meant of every ungodly and miſwedded marriage, but then only myſterious, when it is a holy, happy, and peaceful match. But when a ſaint is joined with a reprobate, or both alike wicked with wicked, fool with fool, a he-drunkard with a ſhe; when the bed hath been nothing elſe for twenty years or more, but an old haunt of luſt and malice mixed together, no love, no goodneſs, no loyalty, but counterplotting, and ſecret wiſhing one another's diſſolution; this is to me the greateſt myſtery in the world, if ſuch a marriage as this can be the myſtery of aught, unleſs it be the myſtery of iniquity: according to that which Paræus cites out of Chryſoſtom, that a bad wife is a help for the devil, and the like may be ſaid of a bad huſband. Since therefore none but a fit and pious matrimony can ſignify the union of Chriſt and his church, there cannot hence be any hindrance of divorce to that wedlock wherein there can be no good myſtery. Rather it might to a chriſtian conſcience be matter of finding itſelf ſo much leſs ſatisfied than before, in the continuance of an unhappy yoke, wherein there can be no repreſentation either of Chriſt, or of his church.

Thus having inquired the inſtitution how it was in the beginning, both from the 1 chap. of Gen., where it was only mentioned in part, and from the ſecond, where it was plainly and evidently inſtituted; and having attended each clauſe and word neceſſary with a diligence not drowſy, we ſhall now fix with ſome advantage, and by a ſhort view backward gather up the ground we have gone, and ſum up the ſtrength we have, into one argumentative head, with that organic force that logic proffers us. All arts acknowledge, that then only we know certainly, when we can define; for definition is that which refines the pure eſſence of things from the circumſtance. If therefore we can attain in this our controverſy to define exactly what marriage is, we ſhall ſoon learn when there is a nullity thereof, and when a divorce.

The part therefore of this chapter, which hath been here treated, doth orderly and readily reſolve itſelf into a definition of marriage, and a conſectary from thence. To the definition theſe words chiefly contribute; "It is not

not good," &c. "I will make," &c. Where the conſectary begins this connection, "Therefore" informs us, "Therefore ſhall a man," &c. Definition is decreed by logicians to conſiſt only of cauſes conſtituting the eſſence of a thing. What is not therefore among the cauſes conſtituting marriage, muſt not ſtay in the definition. Thoſe cauſes are concluded to be matter, and, as the artiſt calls it, Form. But inaſmuch as the ſame thing may be a cauſe more ways than one, and that in relations and inſtitutions which have no corporal ſubſiſtence, but only a reſpective being, the Form, by which the thing is what it is, is oft ſo ſlender and undiſtinguiſhable, that it would ſoon confuſe, were it not ſuſtained by the efficient and final cauſes, which concur to make up the form invalid otherwiſe of itſelf, it will be needful to take in all the four cauſes into the definition. Firſt therefore the material cauſe of matrimony is man and woman; the author and efficient, God and their conſent; the internal Form and Soul of this relation is conjugal love ariſing from a mutual fitneſs to the final cauſes of wedlock, help and ſociety in religious, civil, and domeſtic converſation, which includes as an inferior end the fulfilling of natural deſire, and ſpecifical increaſe; theſe are the final cauſes both moving the Efficient, and perfecting the Form. And although copulation be conſidered among the ends of marriage, yet the act thereof in a right eſteem can no longer be matrimonial, than it is an effect of conjugal love. When love finds itſelf utterly unmatched, and juſtly vaniſhes, nay rather cannot but vaniſh, the fleſhly act indeed may continue, but not holy, not pure, not beſeeming the ſacred bond of marriage; being at beſt but an animal excretion, but more truly worſe and more ignoble than that mute kindlineſs among the herds and flocks: in that proceeding as it ought from intellective principles, it participates of nothing rational, but that which the field and the fold equals. For in human actions the ſoul is the agent, the body in a manner paſſive. If then the body do out of ſenſitive force, what the ſoul complies not with, how can man, and not rather ſomething beneath man, be thought the doer?

But to proceed in the purſuit of an accurate definition,

it

t will avail us ſomething, and whet our thoughts, to xamine what fabric hereof others have already reared. Paræus on Gen. defines marriage to be "an indiſſoluble onjunction of one man and one woman to an individual nd intimate converſation, and mutual benevolence," c. Wherein is to be marked his placing of intimate onverſation before bodily benevolence; for bodily is eant, though indeed "benevolence" rather ſounds will han body. Why then ſhall divorce be granted for want f bodily performance, and not for want of fitneſs to intiate converſation, whenas corporal benevolence cannot n any human faſhion be without this? Thus his definion places the ends of marriage in one order, and eſteems hem in another. His tautology alſo of indiſſoluble and ndividual is not to be imitated; eſpecially ſince neither ndiſſoluble nor individual hath aught to do in the exact efinition, being but a conſectary flowing from thence, s appears by plain ſcripture, "Therefore ſhall a man ave," &c. For marriage is not true marriage by being ndividual, but therefore individual, if it be true marage. No argument but cauſes enter the definition: a onſectary is but the effect of thoſe cauſes. Beſides, that arriage is indiſſoluble, is not catholicly true; we know diſſoluble for adultery and for deſertion by the verdict f all reformed churches. Dr. Ames defines it "an inividual conjunction of one man and one woman, to ommunion of body and mutual ſociety of life:" but is perverts the order of God, who in the inſtitution laces meet help and ſociety of life before communion of ody. And vulgar eſtimation undervalues beyond comariſon all ſociety of life and communion of mind beeath the communion of body; granting no divorce, ut to the want, or miſcommunicating of that. Heminius, an approved author, Melanchon's ſcholar, and who, ext to Bucer and Eraſmus, writes of divorce moſt like divine, thus compriſes, "Marriage is a conjunction of ne man and one woman lawfully conſenting, into one eſh, for mutual help's ſake, ordained of God." And in is explanation ſtands punctually upon the conditions of onſent, that it be not in any main matter deluded, as eing the life of wedlock, and no true marriage without a true

a true conſent. "Into one fleſh" he expounds into one mind, as well as one body, and makes it the formal cauſe: herein only miſſing, while he puts the effect into his definition inſtead of the cauſe which the text affords him. For "one fleſh" is not the formal eſſence of wedlock, but one end, or one effect of "a meet help:" the end ofttimes being the effect and fruit of the form, as logic teaches: elſe many aged and holy matrimonies, and more eminently that of Joſeph and Mary, would be no true marriage. And that maxim generally received, would be falſe, that "conſent alone, though copulation never follow, makes the marriage." Therefore to conſent lawfully into one fleſh, is not the formal cauſe of matrimony, but only one of the effects. The civil lawyers, and firſt Juſtinian or Tribonian defines matrimony a "conjunction of man and woman containing individual accuſtom of life." Wherein firſt, individual is not ſo bad as indiſſoluble put in by others: and although much cavil might be made in the diſtinguiſhing between indiviſible and individual, yet the one taken for poſſible, the other for actual, neither the one nor the other can belong to the eſſence of marriage; eſpecially when a civilian defines, by which law marriage is actually divorced for many cauſes, and with good leave, by mutual conſent. Therefore where "conjunction" is ſaid, they who comment the Inſtitutes agree, that conjunction of mind is by the law meant, not neceſſarily conjunction of body. That law then had good reaſon attending to its own definition, that divorce ſhould be granted for the breaking of that conjunction which it holds neceſſary, ſooner than for the want of that conjunction which it holds not neceſſary. And whereas Tuningus a famous lawyer, excuſes individual as the purpoſe of marriage, not always the ſucceſs, it ſuffices not. Purpoſe is not able to conſtitute the eſſence of a thing. Nature herſelf, the univerſal mother, intends nothing but her own perfection and preſervation; yet is not the more indiſſoluble for that. The Pandects out of Modeſtinus, though not define, yet well deſcribe marriage "the conjunction of male and female, the ſociety of all life, the communion of divine and human right:" which Bucer alſo imitates

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on the fifth to the Epheſians. But it ſeems rather to comprehend the ſeveral ends of marriage than to contain the more conſtituting cauſe that makes it what it is.

That I therefore among others (for who ſings not Hylas?) may give as well as take matter to be judged on, it will be looked I ſhould produce another definition than theſe which have not ſtood the trial. Thus then I ſuppoſe that marriage by the natural and plain order of God's inſtitution in the text may be more demonſtratively and eſſentially defined. "Marriage is a divine inſtitution, joining man and woman in a love fitly diſpoſed to the helps and comforts of domeſtic life." "A divine inſtitution." This contains the prime efficient cauſe of marriage: as for conſent of parents and guardians, it ſeems rather a concurrence than a cauſe; for as many that marry are in their own power as not; and where they are not their own, yet are they not ſubjected beyond reaſon. Now though efficient cauſes are not requiſite in a definition, yet divine inſtitution hath ſuch influence upon the Form, and is ſo a conſerving cauſe of it, that without it the Form is not ſufficient to diſtinguiſh matrimony from other conjunctions of male and female, which are not to be counted marriage. "Joining man and woman in a love," &c. This brings in the parties conſent; until which be, the marriage hath no true being. When I ſay "conſent," I mean not errour, for errour is not properly conſent: and why ſhould not conſent be here underſtood with equity and good to either part, as in all other friendly covenants, and not be ſtrained and cruelly urged to the miſchief and deſtruction of both? Neither do I mean that ſingular act of conſent which made the contract, for that may remain, and yet the marriage not true nor lawful; and that may ceaſe, and yet the marriage both true and lawful, to their ſin that break it. So that either as no efficient at all, or but a tranſitory, it comes not into the definition. That conſent I mean, which is a love fitly diſpoſed to mutual help and comfort of life: this is that happy Form of Marriage naturally ariſing from the very heart of divine inſtitution in the text, in all the former definitions either obſcurely, and under miſtaken terms expreſſed, or not at all. This

gives

gives marriage all her due, all her benefits, all her being, all her diſtinct and proper being. This makes a marriage not a bondage, a bleſſing not a curſe, a gift of God not a ſnare. Unleſs there be a love, and that love born of fitneſs, how can it laſt? unleſs it laſt, how can the beſt and ſweeteſt purpoſes of marriage be attained? And they not attained, which are the chief ends, and with a lawful love conſtitute the formal cauſe itſelf of marriage, how can the eſſence thereof ſubſiſt? How can it be indeed what it goes for? Conclude therefore by all the power of reaſon, that where this eſſence of marriage is not, there can be no true marriage; and the parties, either one of them or both, are free, and without fault, rather by a nullity than by a divorce, may betake them to a ſecond choice, if their preſent condition be not tolerable to them. If any ſhall aſk, why "domeſtic" in the definition? I anſwer, that becauſe both in the ſcriptures, and in the graveſt poets and philoſophers, I find the properties and excellencies of a wife ſet out only from domeſtic virtues; if they extend further, it diffuſes them into the notion of ſome more common duty than matrimonial.

Thus far of the definition; the conſectary which flows from thence, altogether depends thereon, is manifeſtly brought in by this connexive particle "therefore;" and branches itſelf into a double conſequence; Firſt individual ſociety, "therefore ſhall a man leave father and mother:" Secondly, conjugal benevolence, "and they ſhall be one fleſh." Which, as was ſhown, is not without cauſe here mentioned, to prevent and to aboliſh the ſuſpect of pollution in that natural and undefiled act. Theſe conſequences therefore cannot either in religion, law, or reaſon, be bound, and poſted upon mankind to his ſorrow and miſery, but receive what force they have from the meetneſs of help and ſolace, which is the formal cauſe and end of that definition that ſuſtains them. And although it be not for the majeſty of ſcripture, to humble herſelf in artificial theorems, and definitions, and corollaries, like a profeſſor in the ſchools, but looks to be analyſed, and interpreted by the logical induſtry of her diſciples and followers, and to be reduced by them, as oft as need is, into thoſe ſciential rules, which are the imple-

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ments of inſtruction; yet Moſes, as if foreſeeing the miſerable work that man's ignorance and puſillanimity would make in this matrimonious buſineſs, and endeavouring his utmoſt to prevent it, condeſcends in this place to ſuch a methodical and ſchoollike way of defining and conſequencing, as in no place of the whole law more.

Thus we have ſeen, and, if we be not contentious, may know what was marriage in the beginning, to which in the goſpel we are referred; and what from hence to judge of nullity, or divorce. Here I eſteem the work done; in this field the controverſy decided; but becauſe other places of ſcripture ſeem to look averſely upon this our deciſion, (although indeed they keep all harmony with it,) and becauſe it is a better work to reconcile the ſeeming diverſities of ſcripture, than the real diſſentions of neareſt friends; I ſhall aſſay in the three following diſcourſes to perform that office.

Deut. xxiv, 1, 2.

1. "When a man hath taken a wife, and married her, and it come to paſs that ſhe find no favour in his eyes, becauſe he hath found ſome uncleanneſs in her, then let him write her a bill of divorcement, and give it in her hand, and ſend her out of his houſe.
2. And when ſhe is departed out of his houſe, ſhe may go and be another man's wife."

That which is the only diſcommodity of ſpeaking in a clear matter, the abundance of argument that preſſes to be uttered, and the ſuſpenſe of judgment what to chooſe, and how in the multitude of reaſon to be not tedious, is the greateſt difficulty which I expect here to meet with. Yet much hath been ſaid formerly concerning this law in "the Doctrine of Divorce." Whereof I ſhall repeat no more than what is neceſſary. Two things are here doubted: Firſt, and that but of late, whether this be a law or no; next, what this reaſon of "uncleanneſs" might mean, for which the law is granted. That it is a plain law no man ever queſtioned, till Vatablus within theſe hundred years profeſſed Hebrew at Paris, a man of no religion, as Beza deciphers him. Yet ſome

there be who follow him, not only againſt the current of all antiquity both Jewiſh and Chriſtian, but the evidence of Scripture alſo, Malach. ii, 16, "Let him who hateth put away, ſaith the Lord God of Iſrael." Although this place alſo hath been tampered with, as if it were to be thus rendered, "The Lord God ſaith, that he hateth putting away." But this new interpretation reſts only in the authority of Junius: for neither Calvin, nor Vatablus himſelf, nor any other known divine ſo interpreted before. And they of beſt note who have tranſlated the ſcripture ſince, and Diodati for one, follow not his reading. And perhaps they might reject it, if for nothing elſe, for theſe two reaſons: firſt, it introduces in a new manner the perſon of God ſpeaking leſs majeſtic than he is ever wont: when God ſpeaks by his prophet, he ever ſpeaks in the firſt perſon, thereby ſignifying his majeſty and omnipreſence. He would have ſaid, I hate putting away, ſaith the Lord; and not ſent word by Malachi in a ſudden fallen ſtyle, "The Lord God ſaith, that he hateth putting away:" that were a phraſe to ſhrink the glorious omnipreſence of God ſpeaking, into a kind of circumſcriptive abſence. And were as if a herald, in the achievement of a king, ſhould commit the indecorum to ſet his helmet ſideways and cloſe, not full-faced and open in the poſture of direction and command. We cannot think therefore that this laſt prophet would thus in a new faſhion abſent the perſon of God from his own words, as if he came not along with them. For it would alſo be wide from the proper ſcope of this place: he that reads attentively will ſoon perceive, that God blames not here the Jews for putting away their wives, but for keeping ſtrange concubines, to the "profaning of Juda's holineſs," and the vexation of their Hebrew wives, v. 11, and 14, "Judah hath married the daughter of a ſtrange God:" and exhorts them rather to put their wives away whom they hate, as the law permitted, than to keep them under ſuch affronts. And it is received, that this prophet lived in thoſe times of Ezra and Nehemiah (nay by ſome is thought to be Ezra himſelf) when the people were forced by theſe two worthies to put their ſtrange wives away. So that what the ſtory

of thoſe times, and the plain context of the eleventh verſe, from whence this rebuke begins, can give us to conjecture of the obſcure and curt Ebraiſms that follow; this prophet does not forbid putting away, but forbids keeping, and commands putting away according to God's law, which is the plaineſt interpreter both of what God will, and what he can beſt ſuffer. Thus much evinces, that God there commanded divorce by Malachi; and this confirms, that he commands it alſo here by Moſes.

I may the leſs doubt to mention by the way an author, though counted apocryphal, yet of no ſmall account for piety and wiſdom, the author of Eccleſiaſticus. Which book, begun by the grandfather of that Jeſus, who is called the ſon of Sirach, might have been written in part, not much after the time when Malachi lived; if we compute by the reign of Ptolemæus Euergetes. It profeſſes to explain the law and the prophets; and yet exhorts us to divorce for incurable cauſes, and to cut off from the fleſh thoſe whom it there deſcribes, Eccleſiaſtic. xxv, 26. Which doubtleſs that wiſe and ancient writer would never have adviſed, had either Malachi ſo lately forbidden it, or the law by a full precept not left it lawful. But I urge not this for want of better proof; our Saviour himſelf allows divorce to be a command, Mark x, 3, 5. Neither do they weaken this aſſertion, who ſay it was only a ſufferance, as ſhall be proved at large in that place of Mark. But ſuppoſe it were not a written law, they never can deny it was a cuſtom, and ſo effect nothing. For the ſame reaſons that induce them why it ſhould not be a law, will ſtraiten them as hard why it ſhould be allowed a cuſtom. All cuſtom is either evil, or not evil; if it be evil, this is the very end of lawgiving, to aboliſh evil cuſtoms by wholeſome laws; unleſs we imagine Moſes weaker than every negligent and ſtartling politician. If it be, as they make this of divorce to be, a cuſtom againſt nature, againſt juſtice, againſt charity, how, upon this moſt impure cuſtom tolerated, could the God of pureneſs erect a nice and preciſe law, that the wife married after divorce could not return to her former huſband, as being defiled? What was all

this following niceneſs worth, built upon the lewd foundation of a wicked thing allowed? In few words then, this cuſtom of divorce either was allowable, or not allowable; if not allowable, how could it be allowed? if it were allowable, all who underſtand law will conſent, that a tolerated cuſtom hath the force of a law, and is indeed no other but an unwritten law, as Juſtinian calls it, and is as prevalent as any written ſtatute. So that their ſhift of turning this law into a cuſtom wheels about, and gives the onſet upon their own flanks; not diſproving, but concluding it to be the more firm law, becauſe it was without controverſy a granted cuſtom; as clear in the reaſon of common life, as thoſe given rules whereon Euclides builds his propoſitions.

Thus being every way a law of God, who can without blaſphemy doubt it to be a juſt and pure law? Moſes continually diſavows the giving them any ſtatute, or judgement, but what he learnt of God; of whom alſo in his ſong he ſaith, Deut. xxxii, "He is the rock, his work is perfect, all his ways are judgment, a God of truth and without iniquity, juſt and right is he." And David teſtifies, the judgments of the Lord "are true and righteous altogether." Not partly right and partly wrong, much leſs wrong altogether, as divines of now a days dare cenſure them. Moſes again, of that people to whom he gave this law, ſaith, Deut, xiv, "Ye are the children of the Lord your God, the Lord hath choſen thee to be a peculiar people to himſelf above all the nations upon the earth, that thou ſhouldſt keep all his commandments, and be high in praiſe, in name, and in honour, holy to the Lord!" chap. xxvi. And in the fourth, "Behold I have taught you ſtatutes and judgments, even as the Lord my God commanded me, keep therefore and do them. For this is your wiſdom and your underſtanding in the ſight of nations that ſhall hear all theſe ſtatutes, and ſay, ſurely this great nation is a wiſe and underſtanding people. For what nation is there ſo great, who hath God ſo nigh to them? and what nation that hath ſtatutes and judgments ſo righteous as all this law which I ſet before you this day?" Thus whether we look at the purity and juſtice of God himſelf,

ſelf, the jealouſy of his honour among other nations, the holineſs and moral perfection which he intended by his law to teach this people, we cannot poſſibly think how he could endure to let them ſlug and grow inveterately wicked, under baſe allowances, and whole adulterous lives by diſpenſation. They might not eat, they might not touch an unclean thing; to what hypocriſy then were they trained up, if by preſcription of the ſame law, they might be unjuſt, they might be adulterous for term of life? forbid to ſoil their garments with a coy imaginary pollution, but not forbid, but countenanced and animated by law to ſoil their ſouls with deepeſt defilements. What more unlike to God, what more like that God ſhould hate, than that his law ſhould be ſo curious to waſh veſſels and veſtures, and ſo careleſs to leave unwaſhed, unregarded, ſo foul a ſcab of Egypt in their ſouls? What would we more? The ſtatutes of the Lord are all pure and juſt: and if all, then this of divorce.

"Becauſe he hath found ſome uncleanneſs in her."] That we may not eſteem this law to be a mere authorizing of licence, as the Phariſees took it, Moſes adds the reaſon, for "ſome uncleanneſs found." Some heretofore have been ſo ignorant, as to have thought, that this uncleanneſs means adultery. But Eraſmus, who, for having writ an excellent treatiſe of divorce, was wrote againſt by ſome burly ſtandard divine perhaps of Cullen, or of Lovain, who calls himſelf Phimoſtomus, ſhows learnedly out of the fathers, with other teſtimonies and reaſons, that uncleanneſs is not here ſo underſtood; defends his former work, though new to that age, and, perhaps counted licentious, and fears not to engage all his fame on the argument. Afterward, when expoſitors began to underſtand the Hebrew text, which they had not done of many ages before, they tranſlated word for word not "uncleanneſs," but "the nakedneſs of any thing;" and conſidering that nakedneſs is uſually referred in ſcripture to the mind as well as to the body, they conſtantly expound it any defect, annoyance, or ill quality in nature, which to be joined with, makes life tedious, and ſuch company worſe than ſolitude. So that here will be no cauſe to vary from the general con-

ſent of expoſition, which gives us freely that God permitted divorce, for whatever was unalterably diſtaſteful, whether in body or mind. But with this admoniſhment, that if the Roman law, eſpecially in contracts and dowries, left many things to equity with theſe cautions, "ex fide bona, quod æquius melius erit, ut inter bonos bene agitur;" we will not grudge to think, that God intended not licence here to every humour, but to ſuch remedileſs grievances as might move a good and honeſt and faithful man then to divorce, when it can no more be peace or comfort to either of them continuing thus joined. And although it could not be avoided, but that men of hard hearts would abuſe this liberty, yet doubtleſs it was intended, as all other privileges in law are, to good men principally, to bad only by accident. So that the ſin was not in the permiſſion, nor ſimply in the action of divorce (for then the permitting alſo had been ſin) but only in the abuſe. But that this law ſhould, as it were, be wrung from God and Moſes, only to ſerve the hardheartedneſs, and the luſt of injurious men, how remote it is from all ſenſe, and law, and honeſty, and therefore ſurely from the meaning of Chriſt, ſhall abundantly be manifeſt in due order.

Now although Moſes needed not to add other reaſon of this law than that one there expreſſed, yet to theſe ages wherein canons, and Scotiſms, and Lombard laws, have dulled, and almoſt obliterated the lively ſculpture of ancient reaſon and humanity; it will be requiſite to heap reaſon upon reaſon, and all little enough to vindicate the whiteneſs and the innocence of this divine law, from the calumny it finds at this day, of being a door to licence and confuſion. Whenas indeed there is not a judicial point in all Moſes, conſiſting of more true equity, high wiſdom, and godlike pity than this law; not derogating, but preſerving the honour and peace of marriage, and exactly agreeing with the ſenſe and mind of that inſtitution in Geneſis.

For firſt, if marriage be but an ordained relation, as it ſeems not more, it cannot take place above the prime dictates of nature: and if it be of natural right, yet it muſt yield to that which is more natural, and before it by elderſhip

elderſhip and precedence in nature. Now it is not natural, that Hugh marries Beatrice, or Thomas Rebecca, being only a civil contract, and full of many chances; but that theſe men ſeek them meet helps, that only is natural; and that they eſpouſe them ſuch, that only is marriage. But if they find them neither fit helps nor tolerable ſociety, what thing more natural, more original, and firſt in nature, than to depart from that which is irkſome, grievous, actively hateful, and injurious even to hoſtility, eſpecially in a conjugal reſpect, wherein antipathies are invincible, and where the forced abiding of the one can be no true good, no real comfort to the other? For if he find no contentment from the other, how can he return it from himſelf? or no acceptance, how can he mutually accept? What more equal, more pious, than to untie a civil knot for a natural enmity held by violence from parting, to diſſolve an accidental conjunction of this or that man and woman, for the moſt natural and moſt neceſſary diſagreement of meet from unmeet, guilty from guiltleſs, contrary from contrary? It being certain, that the myſtical and bleſſed unity of marriage can be no way more unhallowed and profaned, than by the forcible uniting of ſuch diſunions and ſeparations. Which if we ſee oftimes they cannot join or piece up a common friendſhip, or to a willing converſation in the ſame houſe, how ſhould they poſſibly agree to the moſt familiar and united amity of wedlock? Abraham and Lot, though dear friends and brethren in a ſtrange country, choſe rather to part aſunder, than to infect their friendſhip with the ſtrife of their ſervants: Paul and Barnabas, joined together by the Holy Ghoſt to a ſpiritual work, thought it better to ſeparate, when once they grew at variance. If theſe great ſaints, joined by nature, friendſhip, religion, high providence, and revelation, could not ſo govern a caſual difference, a ſudden paſſion, but muſt in wiſdom divide from the outward duties of a friendſhip, or a colleagueſhip in the ſame family, or in the ſame journey, leſt it ſhould grow to a worſe diviſion; can any thing be more abſurd and barbarous, than that they whom only errour, caſualty, art, or plot, hath joined, ſhould be compelled, not againſt

a ſudden paſſion, but againſt the permanent and radical diſcords of nature, to the moſt intimate and incorporating duties of love and embracement, therein only rational and human, as they are free and voluntary; being elſe an abject and ſervile yoke, ſcarce not brutiſh? and that there is in man ſuch a peculiar ſway of liking or diſliking in the affairs of matrimony, is evidently ſeen before marriage among thoſe who can be friendly, can reſpect each other, yet to marry each other would not for any perſuaſion. If then this unfitneſs and diſparity be not till after marriage diſcovered, through many cauſes, and colours, and concealments, that may overſhadow; undoubtedly it will produce the ſame effects, and perhaps with more vehemence, that ſuch a miſtaken pair would give the world to be unmarried again. And their condition Solomon to the plain juſtification of divorce expreſſes, Prov. xxx, 21, 23, where he tells us of his own accord, that a "hated, or a hateful woman, when ſhe is married, is a thing for which the earth is diſquieted, and cannot bear it:" thus giving divine teſtimony to this divine law, which bids us nothing more than is the firſt and moſt innocent leſſon of nature, to turn away peaceably from what afflicts, and hazards our deſtruction; eſpecially when our ſtaying can do no good, and is expoſed to all evil.

Secondly, It is unjuſt that any ordinance, ordained to the good and comfort of man, where that end is miſſing, without his fault, ſhould be forced upon him to an unſufferable miſery and diſcomfort, if not commonly ruin. All ordinances are eſtabliſhed in their end; the end of law is the virtue, is the righteouſneſs of law: and therefore him we count an ill expounder, who urges law againſt the intention thereof. The general end of every ordinance, of every ſevereſt, every divineſt, even of Sabbath, is the good of man; yea his temporal good not excluded. But marriage is one of the benigneſt ordinances of God to man, whereof both the general and particular end is the peace and contentment of man's mind, as the inſtitution declares. Contentment of body they grant, which if it be defrauded, the plea of frigidity ſhall divorce: but here lies the fathomleſs abſurdity, that

that granting this for bodily defect, they will not grant it for any defect of the mind, any violation of religious or civil ſociety. Whenas, if the argument of Chriſt be firm againſt the ruler of the ſynagogue, Luke xiii, "Thou hypocrite, doth not each of you on the Sabbath-day looſen his ox or his aſs from the ſtall, and lead him to watering, and ſhould not I unbind a daughter of Abraham from this bond of Satan?" it ſtands as good here; ye have regard in marriage to the grievance of body, ſhould you not regard more the grievances of the mind, ſeeing the ſoul as much excels the body, as the outward man excels the aſs, and more? for that animal is yet a living creature, perfect in itſelf: but the body without the ſoul is a mere ſenſeleſs trunk. No ordinance therefore, given particularly to the good both ſpiritual and temporal of man, can be urged upon him to his miſchief: and if they yield this to the unworthier part, the body, whereabout are they in their principles, that they yield it not to the more worthy, the mind of a good man?

Thirdly, As no ordinance, ſo no covenant, no not between God and man, much leſs between man and man, being, as all are, intended to the good of both parties, can hold to the deluding or making miſerable of them both. For equity is underſtood in every covenant, even between enemies, though the terms be not expreſſed. If equity therefore made it, extremity may diſſolve it. But marriage, they uſe to ſay, is the covenant of God. Undoubted: and ſo is any covenant frequently called in Scripture, wherein God is called to witneſs: the covenant of friendſhip between David and Jonathan is called the covenant of the Lord, 1 Sam. xx. The covenant of Zedekiah with the king of Babel, a covenant to be doubted whether lawful or no, yet, in reſpect of God invoked thereto, is called 'the oath, and the covenant of God,' Ezek. xvii. Marriage alſo is called 'the covenant of God,' Prov. ii, 17. Why, but as before, becauſe God is the witneſs thereof, Mal. ii, 14. So that this denomination adds nothing to the covenant of marriage, above any other civil and ſolemn contract: nor is it more indiſſoluble for this reaſon than any other againſt the end

end of its own ordination; nor is any vow or oath to God exacted with ſuch a rigour, where ſuperſtition reigns not. For look how much divine the covenant is, ſo much the more equal, ſo much the more to be expected that every article thereof ſhould be fairly made good; no falſe dealing or unperforming ſhould be thruſt upon men without redreſs, if the covenant be ſo divine. But faith, they ſay, muſt be kept in covenant, though to our damage. I anſwer, that only holds true, where the other ſide performs; which failing, he is no longer bound. Again, this is true, when the keeping of faith can be of any uſe or benefit to the other. But in marriage, a league of love and willingneſs, if faith be not willingly kept, it ſcarce is worth the keeping; nor can be any delight to a generous mind, with whom it is forcibly kept: and the queſtion ſtill ſuppoſes the one brought to an impoſſibility of keeping it as he ought, by the other's default; and to keep it formally, not only with a thouſand ſhifts and diſſimulations, but with open anguiſh, perpetual ſadneſs and diſturbance, no willingneſs, no cheerfulneſs, no contentment; cannot be any good to a mind not baſely poor and ſhallow, with whom the contract of love is ſo kept. A covenant therefore brought to that paſs, is on the unfaulty ſide without injury diſſolved.

Fourthly, The law is not to neglect men under greateſt ſufferances, but to ſee covenants of greateſt moment faithfulleſt performed. And what injury comparable to that ſuſtained in a fruſtrate and falſe dealing marriage, to loſe, for another's fault againſt him, the beſt portion of his temporal comforts, and of his ſpiritual too, as it may fall out? It was the law, that for man's good and quiet reduced things to propriety, which were at firſt in common; how much more lawlike were it to aſſiſt nature in diſappropriating that evil, which by continuing proper becomes deſtructive? But he might have bewared. So he might in any other covenant, wherein the law does not conſtrain errour to ſo dear a forfeit. And yet in theſe matters wherein the wiſeſt are apt to err, all the warineſs that can be ofttimes nothing avails. But the law can compel the offending party to be more duteous.

Yes,

Yes, if all theſe kind of offences were fit in public to be complained of, or being compelled were any ſatisfaction to a mate not ſottiſh, or malicious. And theſe injuries work ſo vehemently, that if the law remedy them not, by ſeparating the cauſe when no way elſe will pacify, the perſon not relieved betakes him either to ſuch diſorderly courſes, or to ſuch a dull dejection, as renders him either infamous, or uſeleſs to the ſervice of God and his country. Which the law ought to prevent as a thing pernicious to the commonwealth; and what better prevention than this which Moſes uſed?

Fifthly, The law is to tender the liberty and the human dignity of them that live under the law, whether it be the man's right above the woman, or the woman's juſt appeal againſt wrong and ſervitude. But the duties of marriage contain in them a duty of benevolence, which to do by compulſion againſt the ſoul, where there can be neither peace, nor joy, nor love, but an enthralment to one who either cannot, or will not be mutual in the godlieſt and the civileſt ends of that ſociety, is the ignobleſt, and the loweſt ſlavery that a human ſhape can be put to. This law therefore juſtly and piouſly provides againſt ſuch an unmanly taſk of bondage as this. The civil law, though it favoured the ſetting free of a ſlave, yet, if he proved ungrateful to his patron, reduced him to a ſervile condition. If that law did well to reduce from liberty to bondage for an ingratitude not the greateſt, much more became it the law of God, to enact the reſtorement of a free-born man from an unpurpoſed and unworthy bondage to a rightful liberty, for the moſt unnatural fraud and ingratitude that can be committed againſt him. And if that civilian emperor, in his title of "Donations," permit the giver to recall his gift from him who proves unthankful towards him; yea, though he had ſubſcribed and ſigned in the deed of his gift not to recall it, though for this very cauſe of ingratitude; with much more equity doth Moſes permit here the giver to recall no petty gift, but the gift of himſelf, from one who moſt injuriouſly and deceitfully uſes him againſt the main ends and conditions of his giving himſelf, expreſſed in God's inſtitution.

Sixthly,

Sixthly, Although there be nothing in the plain words of this law, that ſeems to regard the afflictions of a wife, how great ſoever; yet expoſitors determine, and doubtleſs determine rightly, that God was not uncompaſſionate of them alſo in the framing of this law. For ſhould the reſcript of Antoninus in the civil law give releaſe to ſervants flying for refuge to the emperor's ſtatue, by giving leave to change their cruel maſters; and ſhould God, who in his law alſo is good to injured ſervants, by granting them their freedom in divers caſes, not conſider the wrongs and miſeries of a wife, which is no ſervant? Though herein the counterſenſe of our divines to me, I muſt confeſs, ſeems admirable; who teach that God gave this as a merciful law, not for Man whom he here names, and to whom by name he gives this power; but for the wife, whom he names not, and to whom by name he gives no power at all. For certainly if man be liable to injuries in marriage, as well as woman, and man be the worthier perſon, it were a prepoſterous law to reſpect only the leſs worthy; her whom God made for marriage, and not him at all for whom marriage was made.

Seventhly, The law of marriage gives place to the power of parents: for we hold, that conſent of parents not had may break the wedlock, though elſe accompliſhed. It gives place to maſterly power, for the maſter might take away from a Hebrew ſervant the wife which he gave him, Exod. xxi. If it be anſwered, that the marriage of ſervants is no matrimony; it is replied, that this in the ancient Roman law is true, not in the Moſaic. If it be added, ſhe was a ſtranger, not a Hebrew, therefore eaſily divorced; it will be anſwered, that ſtrangers not being Canaanites, and they alſo being converts, might be lawfully married, as Rahab was. And her converſion is here ſuppoſed; for a Hebrew maſter could not lawfully give a Heathen wife to a Hebrew ſervant. However, the divorcing of an Iſraelitiſh woman was as eaſy by the law, as the divorcing of a ſtranger, and almoſt in the ſame words permitted, Deut. xxiv, and Deut. xxi. Laſtly, it gives place to the right of war, for a captive woman lawfully married, and afterwards not beloved, might be diſmiſſed, only without ranſom, Deut. xxi. If

marriage

marriage be diſſolved by ſo many exterior powers, not ſuperior, as we think, why may not the power of marriage itſelf, for its own peace and honour, diſſolve itſelf, where the perſons wedded be free perſons? Why may not a greater and more natural power complaining diſſolve marriage? For the ends, why matrimony was ordained, are certainly and by all logic above the ordinance itſelf; why may not that diſſolve marriage, without which that inſtitution hath no force at all? For the prime ends of marriage are the whole ſtrength and validity thereof, without which matrimony is like an idol, nothing in the world. But thoſe former allowances were all for hardneſs of heart. Be that granted, until we come where to underſtand it better; if the law ſuffer thus far the obſtinacy of a bad man, is it not more righteous here, to do willingly what is but equal, to remove in ſeaſon the extremities of a good man?

Eighthly, If a man had deflowered a virgin, or brought an ill name on his wife that ſhe came not a virgin to him, he was amerced in certain ſkekels of ſilver, and bound never to divorce her all his days, Deut. xxii, which ſhows that the law gave no liberty to divorce, where the injury was palpable; and that the abſolute forbidding to divorce was in part the puniſhment of a deflowerer, and a defamer. Yet not ſo but that the wife queſtionleſs might depart when ſhe pleaſed. Otherwiſe this courſe had not ſo much righted her, as delivered her up to more ſpight and cruel uſage. This law therefore doth juſtly diſtinguiſh the privilege of an honeſt and blameleſs man in the matter of divorce, from the puniſhment of a notorious offender.

Ninthly, Suppoſe it ſhould be imputed to a man, that he was too raſh in his choice, and why he took not better heed, let him now ſmart, and bear his folly as he may; although the law of God, that terrible law, do not thus upbraid the infirmities and unwilling miſtakes of man in his integrity: but ſuppoſe theſe and the like proud aggravations of ſome ſtern hypocrite, more mercileſs in his mercies, than any literal law in the rigour of ſeverity, muſt be patiently heard; yet all law, and God's law eſpecially grants every where to errour eaſy remitments, even where the utmoſt penalty exacted were no undoing.

With

With great reaſon therefore and mercy doth it here not torment an errour, if it be ſo, with the indurance of a whole life loſt to all houſehold comfort and ſociety, a puniſhment of too vaſt and huge dimenſion for an errour, and the more unreaſonable for that the like objection may be oppoſed againſt the plea of divorcing for adultery: he might have looked better before to her breeding under religious parents: why did he not more diligently enquire into her manners, into what company ſhe kept? every glance of her eye, every ſtep of her gait would have propheſied adultery, if the quick ſcent of theſe diſcerners had been took along; they had the divination to have foretold you all this, as they have now the divinity to puniſh an errour inhumanly. As good reaſon to be content, and forced to be content with your adultereſs; if theſe objectors might be the judges of human frailty. But God, more mild and good to man, than man to his brother, in all this liberty given to divorcement, mentions not a word of our paſt errours and miſtakes, if any were; which theſe men objecting from their own inventions proſecute with all violence and iniquity. For if the one be to look ſo narrowly what he takes, at the peril of ever keeping, why ſhould not the other be made as wary what is promiſed, by the peril of loſing? for without thoſe promiſes the treaty of marriage had not proceeded. Why ſhould his own errour bind him, rather than the other's fraud acquit him? Let the buyer beware, ſaith the old lawbeaten termer. Belike then there is no more honeſty, nor ingenuity in the bargain of a wedlock, than in the buying of a colt: we muſt it ſeems drive it on as craftily with thoſe whoſe affinity we ſeek, as if they were a pack of ſalemen and complotters. But the deceiver deceives himſelf in the unproſperous marriage, and therein is ſufficiently puniſhed. I anſwer, that the moſt of thoſe who deceive are ſuch as either underſtand not, or value not the true purpoſes of marriage; they have the prey they ſeek, not the puniſhment: yet ſay it prove to them ſome croſs, it is not equal that errour and fraud ſhould be linked in the ſame degree of forfeiture, but rather that errour ſhould be acquitted, and fraud bereaved his morſel, if the miſtake were not on both ſides; for then on both ſides the acquitment would be reaſonable, if the bondage

be

be intolerable; which this law graciouſly determines, not unmindful of the wife, as was granted willingly to the common expoſitors, though beyond the letter of this law, yet not beyond the ſpirit of charity.

Tenthly, Marriage is a ſolemn thing, ſome ſay a holy, the reſemblance of Chriſt and his church: and ſo indeed it is where the perſons are truly religious; and we know all ſacred things, not performed ſincerely as they ought, are no way acceptable to God in their outward formality. And that wherein it differs from perſonal duties, if they be not truly done, the fault is in ourſelves; but marriage to be a true and pious marriage is not in the ſingle power of any perſon; the eſſence whereof, as of all other covenants, is in relation to another, the making and maintaining cauſes thereof are all mutual, and muſt be a communion of ſpiritual and temporal comforts. If then either of them cannot, or obſtinately will not be anſwerable in theſe duties, ſo as that the other can have no peaceful living, or endure the want of what he juſtly ſeeks, and ſees no hope, then ſtraight from that dwelling, love, which is the ſoul of wedlock, takes his flight, leaving only ſome cold performances of civil and common reſpects; but the true bond of marriage, if there were ever any there, is already burſt like a rotten thread. Then follows diſſimulation, ſuſpicion, falſe colours, falſe pretences, and worſe than theſe, diſturbance, annoyance, vexation, ſorrow, temptation even in the faultleſs perſon, weary of himſelf, and of all actions public or domeſtic; then comes diſorder, neglect, hatred, and perpetual ſtrife, all theſe the enemies of holineſs and chriſtianity, and every one perſiſted in, a remedileſs violation of matrimony. Therefore God, who hates all feigning and formality, where there ſhould be all faith and ſincereneſs, and abhors the inevitable diſcord, where there ſhould be greater concord; when through another's default faith and concord cannot be, counts it neither juſt to puniſh the innocent with the tranſgreſſor, nor holy, nor honourable for the ſanctity of marriage, that ſhould be the union of peace and love, to be made the commitment and cloſe fight of enmity and hate. And therefore doth in this law what beſt agrees with his goodneſs, looſening a ſacred thing

thing to peace and charity, rather than binding it to hatred and contention; looſening only the outward and formal tie of that which is already inwardly and really broken, or elſe was really never joined.

Eleventhly, One of the chief matrimonial ends is ſaid to ſeek a holy ſeed; but where an unfit marriage adminiſters continual cauſe of hatred and diſtemper, there, as was heard before, cannot chooſe but much unholineſs abide. Nothing more unhallows a man, more unprepares him to the ſervice of God in any duty, than a habit of wrath and perturbation, ariſing from the importunity of troublous cauſes never abſent. And where the houſehold ſtands in this plight, what love can there be to the unfortunate iſſue, what care of their breeding, which is of main conducement to their being holy? God therefore, knowing how unhappy it would be for children to be born in ſuch a family, gives this law as a prevention, that, being an unhappy pair, they ſhould not add to be unhappy parents, or elſe as a remedy that if there be children, while they are ſeweſt, they may follow either parent, as ſhall be agreed, or judged, from the houſe of hatred and diſcord to a place of more holy and peaceable education.

Twelfthly, All law is available to ſome good end, but the final prohibition of divorce avails to no good end, cauſing only the endleſs aggravation of evil, and therefore this permiſſion of divorce was given to the Jews by the wiſdom and fatherly providence of God; who knew that law cannot command love, without which matrimony hath no true being, no good, no ſolace, nothing of God's inſtituting, nothing but ſo ſordid and ſo low, as to be diſdained of any generous perſon. Law cannot enable natural inability either of body, or mind, which gives the grievance; it cannot make equal thoſe inequalities, it cannot make fit thoſe unfitneſſes; and where there is malice more than defect of nature, it cannot hinder ten thouſand injuries, and bitter actions of deſpight, too ſubtle and too unapparent for law to deal with. And while it ſeeks to remedy more outward wrongs, it expoſes the injured perſon to other more inward and more cutting. All theſe evils unavoidably will redound

redound upon the children, if any be, and upon the whole family. It degenerates and diſorders the beſt ſpirits, leaves them to unſettled imaginations, and degraded hopes, careleſs of themſelves, their houſeholds and their friends, unactive to all public ſervice, dead to the commonwealth; wherein they are by one miſhap, and no willing treſpaſs of theirs, outlawed from all the benefits and comforts of married life and poſterity. It confers as little to the honour and inviolable keeping of matrimony, but ſooner ſtirs up temptations and occaſions to ſecret adulteries and unchaſte roving. But it maintains public honeſty. Public folly rather; who ſhall judge of public honeſty? The law of God and of ancienteſt Chriſtians, and all civil nations; or the illegitimate law of monks and canoniſts, the moſt malevolent, moſt unexperienced, moſt incompetent judges of matrimony?

Theſe reaſons, and many more that might be alleged, afford us plainly to perceive both what good cauſe this law had to do for good men in miſchances, and what neceſſity it had to ſuffer accidentally the hardheartedneſs of bad men, which it could not certainly diſcover, or diſcovering could not ſubdue, no nor endeavour to reſtrain without multiplying ſorrow to them, for whom all was endeavoured. The guiltleſs therefore were not deprived their needful redreſſes, and the hard hearts of others, unchaſtiſable in thoſe judicial courts, were ſo remitted there, as bound over to the higher ſeſſion of conſcience.

Notwithſtanding all this, there is a loud exception againſt this law of God, nor can the holy Author ſave his law from this exception, that it opens a door to all licence and confuſion. But this is the rudeſt, I was almoſt ſaying the moſt graceleſs objection, and with the leaſt reverence to God and Moſes, that could be deviſed: this is to cite God before man's tribunal, to arrogate a wiſdom and holineſs above him. Did not God then foreſee what event of licence or confuſion could follow? Did not he know how to ponder theſe abuſes with more prevailing reſpects, in the moſt even balance of his juſtice and pureneſs, till theſe correctors came up to ſhow him better? The law is, if it ſtir up ſin any way, to ſtir it up

by forbidding, as one contrary excites another, Rom. vii; but if it once come to provoke ſin, by granting licence to ſin, according to laws that have no other honeſt end, but only to permit the fulfilling of obſtinate luſt, how is God not made the contradicter of himſelf? No man denies, that beſt things may be abuſed: but it is a rule reſulting from many pregnant experiences, that what doth moſt harm in the abuſing, uſed rightly doth moſt good. And ſuch a good to take away from honeſt men, for being abuſed by ſuch as abuſe all things, is the greateſt abuſe of all. That the whole law is no further uſeful, than as a man uſes it lawfully, St. Paul teaches 1 Tim. i. And that chriſtian liberty may be uſed for an occaſion to the fleſh, the ſame apoſtle confeſſes, Gal. v; yet thinks not of removing it for that, but bids us rather 'ſtand faſt in the liberty wherewith Chriſt hath freed us, and not be held again in the yoke of bondage.' The very permiſſion, which Chriſt gave to divorce for adultery, may be foully abuſed, by any whoſe hardneſs of heart can either feign adultery, or dares commit, that he may divorce. And for this cauſe the pope, and hitherto the church of England, forbid all divorce from the bond of marriage, though for openeſt adultery. If then it be righteous to hinder, for the fear of abuſe, that which God's law, notwithſtanding that caution, hath warranted to be done, doth not our righteouſneſs come ſhort of Antichriſt? or do we not rather herein conform ourſelves to his unrighteouſneſs in this undue and unwiſe fear? For God regards more to relieve by this law the juſt complaints of good men, than to curb the licence of wicked men, to the cruſhing withal, and the overwhelming of his afflicted ſervants. He loves more that his law ſhould look with pity upon the difficulties of his own, than with rigour upon the boundleſs riots of them who ſerve another maſter, and, hindered here by ſtrictneſs, will break another way to worſe enormities. If this law therefore have many good reaſons for which God gave it, and no intention of giving ſcope to lewdneſs, but as abuſe by accident comes in with every good law, and every good thing; it cannot be wiſdom in us, while we can content us with God's wiſdom, nor can be purity, if his

his purity will ſuffice us, to except againſt this law, as if it foſtered licence. But if they affirm this law had no other end, but to permit obdurate luſt, becauſe it would be obdurate, making the law of God intentionally to proclaim and enact ſin lawful, as if the will of God were become ſinful, or ſin ſtronger than his direct and law-giving will; the men would be admoniſhed to look well to it, that while they are ſo eager to ſhut the door againſt licence, they do not open a worſe door to blaſphemy. And yet they ſhall be here further ſhown their iniquity: what more foul common ſin among us than drunkenneſs? And who can be ignorant, that if the importation of wine, and the uſe of all ſtrong drink, were forbid, it would both clean rid the poſſibility of committing that odious vice, and men might afterwards live happily and healthfully without the uſe of thoſe intoxicating liquors? Yet who is there the ſevereſt of them all, that ever propounded to loſe his ſack, his ale, toward the certain aboliſhing of ſo great a ſin? who is there of them, the holieſt, that leſs loves his rich canary at meals, though it be fetched from places that hazard the religion of them who fetch it, and though it make his neighbour drunk out of the ſame tun? While they forbid not therefore the uſe of that liquid Merchandize, which forbidden would utterly remove a moſt loathſome ſin, and not impair either the health or the refreſhment of mankind, ſupplied many other ways: why do they forbid a law of God, the forbidding whereof brings into exceſſive bondage oftimes the beſt of men, and betters not the worſe? He, to remove a national vice, will not pardon his cups, nor think it concerns him to forbear the quaffing of that outlandiſh grape, in his unneceſſary fulneſs, though other men abuſe it never ſo much; nor is he ſo abſtemious as to intercede with the magiſtrate, that all matter of drunkenneſs be baniſhed the commonwealth; and yet for the fear of a leſs inconvenience unpardonably requires of his brethren, in their extreme neceſſity, to debar themſelves the uſe of God's permiſſive law, though it might be their ſaving, and no man's endangering the more. Thus this peremptory ſtrictneſs we may diſcern of what ſort it is, how unequal, and how unjuſt.

But it will breed confuſion. What confuſion it would breed God himſelf took the care to prevent in the fourth verſe of this chapter, that the divorced, being married to another, might not return to her former huſband. And Juſtinian's law counſels the ſame in his title of "Nuptials." And what confuſion elſe can there be in ſeparation, to ſeparate upon extreme urgency the religious from the irreligious, the fit from the unfit, the willing from the wilful, the abuſed from the abuſer? Such a ſeparation is quite contrary to confuſion. But to bind and mix together holy with atheiſt, heavenly with helliſh, fitneſs with unfitneſs, light with darkneſs, antipathy with antipathy, the injured with the injurer, and force them into the moſt inward nearneſs of a deteſted union; this doubtleſs is the moſt horrid, the moſt unnatural mixture, the greateſt confuſion that can be confuſed.

Thus by this plain and Chriſtian Talmud, vindicating the law of God from irreverent and unwary expoſitions, I truſt, where it ſhall meet with intelligent peruſers, ſome ſtay at leaſt in men's thoughts will be obtained, to conſider theſe many prudent and righteous ends of this divorcing permiſſion: that it may have, for the great author's ſake, hereafter ſome competent allowance to be counted a little purer than the prerogative of a legal and public ribaldry, granted to that holy ſeed. So that from hence we ſhall hope to find the way ſtill more open to the reconciling of thoſe places, which treat this matter in the goſpel. And thither now without interruption the courſe of method brings us.

TETRACHORDON:

MATTH. V, 31, 32.

31. "It hath been ſaid, whoſoever ſhall put away his wife, let him give her a writing of divorcement."
32. "But I ſay unto you, that whoſoever ſhall put away his wife," &c.

MATTH. XIX, 3, 4, &c.

3. "And the phariſees alſo came unto him, tempting him," &c.

"IT hath been ſaid."] What hitherto hath been ſpoke upon the law of God touching matrimony or divorce, he who will deny to have been argued according to reaſon and all equity of ſcripture, I cannot edify how, or by what rule of proportion that man's virtue calculates, what his elements are, nor what his analytics. Confidently to thoſe who have read good books, and to thoſe whoſe reaſon is not an illiterate book to themſelves, I appeal, whether they would not confeſs all this to be the commentary of truth and juſtice, were it not for theſe recited words of our Saviour. And if they take not back that which they thus grant, nothing ſooner might perſuade them that Chriſt here teaches no new precept, and nothing ſooner might direct them to find his meaning than to compare and meaſure it by the rules of nature and eternal righteouſneſs, which no written law extinguiſhes, and the goſpel leaſt of all. For what can be more oppoſite and diſparaging to the covenant of love, of freedom, and of our manhood in grace, than to be made the yoking pedagogue of new ſeverities, the ſcribe of ſyllables and rigid letters, not only grievous to the beſt of men, but different and ſtrange from the light of reaſon in them, ſave only as they are fain to ſtretch and diſtort their apprehenſions, for fear of diſpleaſing the verbal ſtraitneſs of a text, which our own

ſervile fear gives us not the leiſure to underſtand aright? If the law of Chriſt ſhall be written in our hearts, as was promiſed to the goſpel, Jer. xxxi, how can this in the vulgar and ſuperficial ſenſe be a law of Chriſt, ſo far from being written in our hearts, that it injures and diſallows not only the free dictates of nature and moral law, but of charity alſo and religion in our hearts? Our Saviour's doctrine is, that the end and the fulfilling of every command is charity; no faith without it, no truth without it, no worſhip, no works pleaſing to God but as they partake of charity. He himſelf ſets us an example, breaking the ſolemneſt and ſtricteſt ordinance of religious reſt, and juſtified the breaking, not to cure a dying man, but ſuch whoſe cure might without danger have been deferred. And wherefore needs muſt the ſick man's bed be carried on that day by his appointment? And why were the diſciples, who could not forbear on that day to pluck the corn, ſo induſtriouſly defended, but to ſhow us, that, if he preferred the ſlighteſt occaſions of man's good before the obſerving of higheſt and ſevereſt ordinances, he gave us much more eaſy leave to break the intolerable yoke of a never well-joined wedlock for the removing of our heavieſt afflictions? Therefore it is, that the moſt of evangelic precepts are given us in proverbial forms, to drive us from the letter, though we love ever to be ſticking there. For no other cauſe did Chriſt aſſure us that whatſoever things we bind, or ſlacken on earth, are ſo in Heaven, but to ſignify that the chriſtian arbitrement of charity is ſupreme decider of all controverſy, and ſupreme reſolver of all ſcripture, not as the pope determines for his own tyranny, but as the church ought to determine for its own true liberty. Hence Euſebius, not far from the beginning of his hiſtory, compares the ſtate of Chriſtians to that of Noah and the patriarchs before the law. And this indeed was the reaſon why apoſtolic tradition in the ancient church was counted nigh equal to the written word, though it carried them at length awry, for want of conſidering that tradition was not left to be impoſed as law, but to be a pattern of that chriſtian prudence and liberty, which holy men by right aſſumed of old; which truth was ſo evident,

evident, that it found entrance even into the council of Trent, when the point of tradition came to be diſcuſſed. And Marinaro, a learned Carmelite, for approaching too near the true cauſe that gave eſteem to tradition, that is to ſay, the diſference between the Old and New Teſtament, the one punctually preſcribing written law, the other guiding by the inward ſpirit, was reprehended by cardinal Pool as one that had ſpoken more worthy a German Colloquy, than a general council. I omit many inſtances, many proofs and arguments of this kind, which alone would compile a juſt volume, and ſhall content me here to have ſhown briefly, that the great and almoſt only commandment of the goſpel is, to command nothing againſt the good of man, and much more no civil command againſt his civil good. If we underſtand not this, we are but cracked cymbals, we do but tinkle, we know nothing, we do nothing, all the ſweat of our toilſomeſt obedience will but mock us. And what we ſuffer ſuperſtitiouſly returns us no thanks. Thus medicining our eyes, we need not doubt to ſee more into the meaning of theſe our Saviour's words, than many who have gone before us.

"It hath been ſaid, whoſoever ſhall put away his wife."] Our Saviour was by the doctors of his time ſuſpected of intending to diſſolve the law. In this chapter he wipes off this aſperſion upon his accuſers, and ſhows, how they were the law breakers. In every commonwealth, when it decays, corruption makes two main ſteps; firſt, when men ceaſe to do according to the inward and uncompelled actions of virtue, caring only to live by the outward conſtraint of law, and turn the ſimplicity of real good into the craft of ſeeming ſo by law. To this hypocritical honeſty was Rome declined in that age wherein Horace lived, and diſcovered it to Quintius.

Whom do we count a good man, whom but he
Who keep the laws and ſtatutes of the Senate?
Who judges in great ſuits and controverſies?
Whoſe witneſs and opinion wins the cauſe?
But his own houſe, and the whole neighbourhood
Sees his foul inſide through his whited ſkin.

The next declining is, when law becomes now too ſtrait for the ſecular manners, and thoſe too looſe for the cincture of law. This brings in falſe and crooked interpretations to eke out law, and invents the ſubtle encroachment of obſcure traditions hard to be diſproved. To both theſe deſcents the phariſees themſelves were fallen. Our Saviour therefore ſhows them both where they broke the law, in not marking the divine intent thereof, but only the letter; and where they depraved the letter alſo with ſophiſtical expoſitions. This law of divorce they had depraved both ways: firſt, by teaching that to give a bill of divorce was all the duty which that law required, whatever the cauſe were; next by running to divorce for any trivial, accidental cauſe; whenas the law evidently ſtays in the grave cauſes of natural and immutable diſlike. "It hath been ſaid," ſaith he. Chriſt doth not put any contempt or diſeſteem upon the law of Moſes, by citing it ſo briefly; for in the ſame manner God himſelf cites a law of greateſt caution, Jer. iii.: "They ſay if a man put away his wife, ſhall he return to her again?" &c. Nor doth he more aboliſh it than the law of ſwearing, cited next with the ſame brevity, and more appearance of contradicting: for divorce hath an exception left it; but we are charged there, as abſolutely as words can charge us, "not to ſwear at all? yet who denies the lawfulneſs of an oath, though here it be in no caſe permitted? And what ſhall become of his ſolemn proteſtation not to aboliſh one law, or one tittle of any law, eſpecially of thoſe which he mentions in this chapter? And that he meant more particularly the not aboliſhing of Moſaic divorce, is beyond all cavil manifeſt in Luke xvi, 17, 18, where this clauſe againſt abrogating is inſerted immediately before the ſentence againſt divorce, as if it were called thither on purpoſe to defend the equity of this particular law againſt the foreſeen raſhneſs of common textuaries, who aboliſh laws, as the rabble demoliſh images, in the zeal of their hammers oft violating the ſepulchres of good men: like Pentheus in the tragedies, they ſee that for Thebes which is not, and take that for ſuperſtition, as theſe men in the heat of their annulling perceive not how they aboliſh right, and equal

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and juſtice, under the appearance of judicial. And yet are confeſſing all the while, that theſe ſayings of Chriſt ſtand not in contradiction to the law of Moſes, but to the falſe doctrine of the Phariſees raiſed from thence; that the law of God is perfect, not liable to additions or diminutions: and Paræus accuſes the Jeſuit Maldonatus of greateſt falſity for limiting the perfection of that law only to the rudeneſs of the Jews. He adds, "That the law promiſeth life to the performers thereof, therefore needs not perfecter precepts than ſuch as bring to life; that if the corrections of Chriſt ſtand oppoſite, not to the corruptions of the phariſees, but to the law itſelf of God, the hereſy of Manes would follow, one God of the Old Teſtament, and another of the New. That Chriſt ſaith not here, except your righteouſneſs exceed the righteouſneſs of Moſes' law, but of the ſcribes and phariſees." That all this may be true: whither is common ſenſe flown aſquint, if we can maintain that Chriſt forbid the Moſaic divorce utterly, and yet aboliſhed not the law that permits it? For if the conſcience only were checked, and the law not repealed, what means the fanatic boldneſs of this age, that dares tutor Chriſt to be more ſtrict than he thought fit? Ye ſhall have the evaſion, it was a judicial law. What could infancy and ſlumber have invented more childiſh? Judicial or not judicial, it was one of thoſe laws expreſsly which he forewarned us with proteſtation, that his mind was, not to abrogate: and if we mark the ſteerage of his words, what courſe they hold, we may perceive that what he proteſted not to diſſolve (that he might faithfully and not deceitfully remove a ſuſpicion from himſelf) was principally concerning the judicial law; for of that ſort are all theſe here which he vindicates, except the laſt. Of the ceremonial law he told them true, that nothing of it ſhould paſs "until all were fulfilled." Of the moral law he knew the phariſees did not ſuſpect he meant to nullify that: for ſo doing would ſoon have undone his authority, and advanced theirs. Of the judicial law therefore chiefly this apology was meant: for how is that fulfilled longer than the common equity thereof remains in force? And how is this our Saviour's defence of himſelf not made fallacious

cious, if the phariſees chief fear be leſt he ſhould aboliſh the judicial law, and he, to ſatisfy them, proteſts his good intention to the moral law? It is the general grant of divines, that what in the judicial law is not merely judaical,* but reaches to human equity in common, was never in the thought of being abrogated. If our Saviour took away aught of law, it was the burdenſome of it, not the eaſe of burden; it was the bondage, not the liberty of any divine law, that he removed; this he often profeſſed to be the end of his coming. But what if the law of divorce be a moral law, as moſt certainly it is fundamentally, and hath been ſo proved in the reaſons thereof? For though the giving of a bill may be judicial, yet the act of divorce is altogether converſant in good and evil, and ſo abſolutely moral. So far as it is good, it never can be aboliſhed, being moral; and ſo far as it is ſimply evil, it never could be judicial, as hath been ſhown at large "in the Doctrine of Divorce," and will be reaſſumed anon. Whence one of theſe two neceſſities follow, that either it was never eſtabliſhed, or never aboliſhed. Thus much may be enough to have ſaid on this place. The following verſe will be better unfolded in the xix chapter, where it meets us again, after a large debatement on the queſtion between our Saviour and his adverſaries.

Matt. XIX, 3, 4, &c.

Ver. 3. "And the phariſees came unto him, tempting him, and ſaying unto him."

"TEMPTING him."] The manner of theſe men coming to our Saviour, not to learn, but to tempt him, may give us to expect, that their anſwer will be ſuch as is fitteſt for them; not ſo much a teaching, as an entangling. No man, though never ſo willing or ſo well enabled to inſtruct, but if he diſcern his willingneſs and candour made uſe of to entrap him, will ſuddenly draw

* The firſt edition has *judicial*, but as that word may not be ſo univerſally underſtood in this place as *judaical*, (though the meaning of both be here the ſame) we have therefore inſerted the latter word in the text.

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in himſelf, and laying aſide the facil vein of perſpicuity, will know his time to utter clouds and riddles; if he be not leſs wiſe than that noted fiſh, whenas he ſhould be not unwiſer than the ſerpent. Our Saviour at no time expreſſed any great deſire, to teach the obſtinate and unteachable phariſees; but when they came to tempt him, then leaſt of all. As now about the liberty of divorce, ſo another time about the puniſhment of adultery, they came to ſound him; and what ſatisfaction got they from his anſwer, either to themſelves, or to us, that might direct a law under the goſpel, new from that of Moſes, unleſs we draw his abſolution of adultery into an edict? So about the tribute, who is there can pick out a full ſolution, what and when we muſt give to Cæſar, by the anſwer which he gave the phariſees? If we muſt give to Cæſar that which is Cæſar's, and all be Cæſar's which hath his image, we muſt either new ſtamp our coin, or we may go new ſtamp our foreheads with the ſuperſcription of ſlaves inſtead of freemen. Beſides, it is a general precept not only of Chriſt, but of all other ſages, not to inſtruct the unworthy and the conceited, who love tradition more than truth, but to perplex and ſtumble them purpoſely with contrived obſcurities. No wonder then if they, who would determine of divorce by this place, have ever found it difficult and unſatisfying through all the ages of the church, as Auſtin himſelf and other great writers confeſs. Laſtly, it is manifeſt to be the principal ſcope of our Saviour, both here, and in the fifth of Matthew, to convince the phariſees of what they being evil did licentiouſly, not to explain what others being good and blameleſs men might be permitted to do in caſe of extremity. Neither was it ſeaſonable to talk of honeſt and conſcientious liberty among them, who had abuſed legal and civil liberty to uncivil licenſe. We do not ſay to a ſervant what we ſay to a ſon; nor was it expedient to preach freedom to thoſe who had tranſgreſſed in wantonneſs. When we rebuke a prodigal, we admoniſh him of thrift, not of magnificence, or bounty. And to ſchool a proud man, we labour to make him humble, not magnanimous. So Chriſt, to retort theſe arrogant inquiſitors their own, took the courſe to lay

lay their haughtineſs under a ſeverity which they deſerved; not to acquaint them, or to make them judges either of the juſt man's right and privilege, or of the afflicted man's neceſſity. And if we may have leave to conjecture, there is a likelihood offered us by Tertullian in his fourth againſt Marcion, whereby it may ſeem very probable, that the phariſees had a private drift of malice againſt our Saviour's life in propoſing this queſtion; and our Saviour had a peculiar aim in the rigour of his anſwer, both to let them know the freedom of his ſpirit, and the ſharpneſs of his diſcerning. "This I muſt now ſhow," ſaith Tertullian, "whence our Lord deduced this ſentence, and which way he directed it, whereby it will more fully appear, that he intended not to diſſolve Moſes." And thereupon tells us, that the vehemence of this our Saviour's ſpeech was chiefly darted againſt Herod and Herodias. The ſtory is out of Joſephus; Herod had been a long time married to the daughter of Aretas king of Petra, till happening on his journey towards Rome to be entertained at his brother Philip's houſe, he caſt his eye unlawfully and ungueſtlike upon Herodias there, the wife of Philip, but daughter to Ariſtobulus their common brother, and durſt make words of marrying her his niece from his brother's bed. She aſſented, upon agreement he ſhould expel his former wife. All was accompliſhed, and by the Baptiſt rebuked with the loſs of his head. Though doubtleſs that ſtayed not the various diſcourſes of men upon the fact, which while the Herodian flatterers, and not a few perhaps among the phariſees, endeavoured to defend by wreſting the law, it might be a means to bring the queſtion of divorce into a hot agitation among the people, how far Moſes gave allowance. The phariſees therefore knowing our Saviour to be a friend of John the Baptiſt, and no doubt but having heard much of his ſermon on the mount, wherein he ſpake rigidly againſt the licence of divorce, they put him this queſtion, both in hope to find him a contradictor of Moſes, and a condemner of Herod; ſo to inſnare him within compaſs of the ſame accuſation which had ended his friend; and our Saviour ſo orders his anſwer, as that they might perceive Herod and his adultereſs, only not named;

named: ſo lively it concerned them both what he ſpake No wonder then if the ſentence of our Saviour founded ſtricter than his cuſtom was; which his conſcious attempters doubtleſs apprehended ſooner than his other auditors. Thus much we gain from hence to inform us, that what Chriſt intends to ſpeak here of divorce, will be rather the forbidding of what we may not do herein paſſionately and abuſively, as Herod and Herodias did, than the diſcuſſing of what herein we may do reaſonably and neceſſarily.

"Is it lawful for a man to put away his wife?"] It might be rendered more exactly from the Greek, "to looſen or to ſet free;" which though it ſeem to have a milder ſignification than the two Hebrew words commonly uſed for divorce, yet interpreters have noted, that the Greek alſo is read in the Septuagint for an act which is not without conſtraint. As when Achiſh drove from his preſence David, counterfeiting madneſs, Pſal. xxxiv, the Greek word is the ſame with this here, to put away. And Eraſmus quotes Hilary rendering it by an expreſſion not ſo ſoft. Whence may be doubted, whether the phariſees did not ſtate this queſtion in the ſtrict right of the man, not tarrying for the wife's conſent. And if our Saviour anſwered directly according to what was aſked in the term of putting away, it will be queſtionable, whether the rigour of his ſentence did not forbid only ſuch putting away as is without mutual conſent, in a violent and harſh manner, or without any reaſon but will, as the Tetrarch did. Which might be the cauſe that thoſe chriſtian emperors feared not in their conſtitutions to diſſolve marriage by mutual conſent; in that our Saviour ſeems here, as the caſe is moſt likely, not to condemn all divorce, but all injury and violence in divorce. But no injury can be done to them, who ſeek it, as the Ethics of Ariſtotle ſufficiently prove. True it is, than an unjuſt thing may be done to one though willing, and ſo may juſtly be forbidden: but divorce being in itſelf no unjuſt or evil thing, but only as it is joined with injury or luſt; injury it cannot be at law, if conſent be, and Ariſtotle err not. And luſt it may as frequently not be, while charity hath the judging of ſo many private grievances

grievances in a misfortuned wedlock, which may pardonably ſeek a redemption, But whether it be or not, the law cannot diſcern or examine luſt, ſo long as it walks from one lawful term to another, from divorce to marriage, both in themſelves indifferent. For if the law cannot take hold to puniſh many actions apparently covetous, ambitious, ingrateful, proud, how can it forbid and puniſh that for luſt, which is but only ſurmiſed ſo, and can no more be certainly proved in the divorcing now, than before in the marrying? Whence if divorce be no unjuſt thing, but through luſt, a cauſe not diſcernable by law, as law is wont to diſcern in other caſes, and can be no injury, where conſent is; there can be nothing in the equity of law, why divorce by conſent may not be lawful: leaving ſecrecies to conſcience, the thing which our Saviour here aims to rectify, not to revoke the ſtatutes of Moſes. In the mean while the word "to put away," being in the Greek to looſen or diſſolve, utterly takes away that vain papiſtical diſtinction of divorce from bed, and divorce from bond, evincing plainly, that Chriſt and the phariſees mean here that divorce, which finally diſſolves the bond, and frees both parties to a ſecond marriage.

"For every cauſe."] This the phariſees held, that for every cauſe they might divorce, for every accidental cauſe, any quarrel or difference that might happen. So both Joſephus and Philo, men who lived in the ſame age, explain; and the Syriac tranſlator, whoſe antiquity is thought parallel to the Evangeliſts themſelves, reads it conformably, "upon any occaſion or pretence." Divines alſo generally agree, that thus the phariſees meant. Cameron, a late writer, much applauded, commenting this place not undiligently, affirms that the Greek prepoſition κατὰ tranſlated unuſually (for) hath a force in it implying the ſuddenneſs of thoſe phariſaic divorces; and that their queſtion was to this effect, "whether for any cauſe whatever it chanced to be, ſtraight as it roſe, the divorce might be lawful." This he freely gives, whatever moved him, and I as freely take, nor can deny his obſervation to be acute and learned. If therefore we inſiſt upon the word of "putting away;" that it imports a conſtraint without

without conſent, as might be inſiſted, and may enjoy what Cameron beſtows on us, that "for every cauſe" is to be underſtood, "according as any cauſe may happen," with a relation to the ſpeedineſs of thoſe divorces, and that Herodian act eſpecially, as is already brought us; the ſentence of our Saviour will appear nothing ſo ſtrict a prohibition as hath been long conceived, forbidding only to divorce for caſual and temporary cauſes, that may be ſoon ended, or ſoon remedied: and likewiſe forbidding to divorce raſhly, and on the ſudden heat, except it be for adultery. If theſe qualifications may be admitted, as partly we offer them, partly are offered them by ſome of their own opinion, and that where nothing is repugnant why they ſhould not be admitted, nothing can wreſt them from us; the ſevere ſentence of our Saviour will ſtraight unbend the ſeeming frown into that gentleneſs and compaſſion, which was ſo abundant in all his actions, his office, and his doctrine, from all which otherwiſe it ſtands off at no mean diſtance.

Ver. 4. "And he anſwered and ſaid unto them, have ye not read, that he which made them at the beginning, made them male and female?"

Ver. 5. "And ſaid, for this cauſe ſhall a man leave father and mother, and ſhall cleave to his wife, and they twain ſhall be one fleſh."

Ver. 6. "Wherefore they are no more twain, but one fleſh: what therefore God hath joined together, let no man put aſunder."

4, and 5. "Made them male and female; and ſaid, for this cauſe," &c.] We ſee it here undeniably, that the law which our Saviour cites to prove that divorce was forbidden, is not an abſolute and tyrannical command without reaſon, as nowadays we make it little better, but is grounded upon ſome rational cauſe not difficult to be apprehended, being in a matter which equally concerns the meaneſt and the plaineſt ſort of perſons in a houſehold life. Our next way then will be to inquire if there be not more reaſons than one; and if there be, whether this be the beſt and chiefeſt. That we ſhall find by turning to the firſt inſtitution, to which Chriſt refers our

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own reading: he himſelf, having to deal with treacherous aſſailants, uſeth brevity, and lighting on the firſt place in Geneſis that mentions any thing tending to marriage in the firſt chapter, joins it immediately to the twenty-fourth verſe of the ſecond chapter, omitting all the prime words between, which create the inſtitution, and contain the nobleſt and pureſt ends of matrimony; without which attained, that conjunction hath nothing in it above what is common to us with beaſts. So likewiſe beneath in this very chapter, to the young man, who came not tempting him, but to learn of him, aſking him which commandments he ſhould keep; he neither repeats the firſt table, nor all the ſecond, nor that in order which he repeats. If here then being tempted, he deſire to be the ſhorter, and the darker in his conference, and omit to cite that from the ſecond of Geneſis, which all divines confeſs is a commentary to what he cites out of the firſt, the "making them male and female;" what are we to do, but to ſearch the inſtitution ourſelves? And we ſhall find there his own authority, giving other manner of reaſons why ſuch firm union is to be in matrimony; without which reaſons, their being male and female can be no cauſe of joining them unſeparably: for if it be, then no adultery can ſever. Therefore the prohibition of divorce depends not upon this reaſon here expreſſed to the phariſees, but upon the plainer and more eminent cauſes omitted here, and referred to the inſtitution; which cauſes not being found in a particular and caſual matrimony, this ſenſitive and materious cauſe alone can no more hinder a divorce againſt thoſe higher and more human reaſons urging it, than it can alone without them to warrant a copulation, but leaves it arbitrary to thoſe who in their chance of marriage find not why divorce is forbid them, but why it is permitted them; and find both here and in Geneſis, that the forbidding is not abſolute, but according to the reaſons there taught us, not here. And that our Saviour taught them no better, but uſes the moſt vulgar, moſt animal and corporal argument to convince them, is firſt to ſhow us, that as through their licentious divorces they made no more of marriage, than as if to marry were no more than to be male and female,

female, ſo he goes no higher in his confutation; deeming them unworthy to be talked with in a higher ſtrain, but to be tied in marriage by the mere material cauſe thereof, ſince their own licence teſtified that nothing matrimonial was in their thought, but to be male and female. Next, it might be done to diſcover the brute ignorance of theſe carnal doctors, who taking on them to diſpute of marriage and divorce, were put to ſilence with ſuch a ſlender oppoſition as this, and outed from their hold with ſcarce one quarter of an argument. That we may believe this, his entertainment of the young man ſoon after may perſuade us. Whom, though he came to preach eternal life by faith only, he diſmiſſes with a ſalvation taught him by works only. On which place Paræus notes, "That this man was to be convinced by a falſe perſuaſion; and that Chriſt is wont otherwiſe to anſwer hypocrites, otherwiſe thoſe that are docible." Much rather then may we think, that, in handling theſe tempters, he forgot not ſo to frame his prudent ambiguities and concealments, as was to the troubling of thoſe peremptory diſputants moſt wholeſome. When therefore we would know what right there may be, in ill accidents, to divorce, we muſt repair thither where God profeſſes to teach his ſervants by the prime inſtitution, and not where we ſee him intending to dazzle ſophiſters: we muſt not read, "he made them male and female," and not underſtand he made them more intendedly "a meet help" to remove the evil of being "alone." We muſt take both theſe together, and then we may infer completely, as from the whole cauſe, why a man ſhall cleave to his wife, and they twain ſhall be one fleſh: but if the full and chief cauſe why we may not divorce be wanting here, this place may ſkirmiſh with the rabbies while it will, but to the true Chriſtian it prohibits nothing beyond the full reaſon of its own prohibiting, which is beſt known by the inſtitution.

Ver. 6. "Wherefore they are no more twain, but one fleſh."] This is true in the general right of marriage, but not in the chance-medley of every particular match. For if they who were once undoubtedly one fleſh, yet become twain by adultery, then ſure they who were

never one fleſh rightly, never helps meet for each other according to the plain preſcript of God, may with leſs ado than a volume be concluded ſtill twain. And ſo long as we account a magiſtrate no magiſtrate, if there be but a flaw in his election, why ſhould we not much rather count a matrimony no matrimony, if it cannot be in any reaſonable manner according to the words of God's inſtitution?

"What therefore God hath joined, let no man put aſunder." But here the chriſtian prudence lies to conſider what God hath joined; ſhall we ſay that God hath joined errour, fraud, unfitneſs, wrath, contention, perpetual lonelineſs, perpetual diſcord; whatever luſt, or wine, or witchery, threat, or inticement, avarice, or ambition hath joined together, faithful and unfaithful, chriſtian with antichriſtian, hate with hate, or hate with love; ſhall we ſay this is God's joining?

"Let not man put aſunder."] That is to ſay, what God hath joined; for if it be, as how oft we ſee it may be, not of God's joining, and his law tells us he joins not unmatchable things, but hates to join them, as an abominable confuſion, then the divine law of Moſes puts them aſunder, his own divine will in the inſtitution puts them aſunder, as oft as the reaſons be not extant, for which only God ordained their joining. Man only puts aſunder when his inordinate deſires, his paſſion, his violence, his injury makes the breach: not when the utter want of that which lawfully was the end of his joining, when wrongs and extremities and unſupportable grievances compel him to disjoin: when ſuch as Herod and the phariſees divorce beſide law, or againſt law, then only man ſeparates, and to ſuch only this prohibition belongs. In a word, if it be unlawful for man to put aſunder that which God hath joined, let man take heed it be not deteſtable to join that by compulſion which God hath put aſunder.

Ver. 7. "They ſay unto him, Why did Moſes then command to give a writing of divorcement, and to put her away?"

Ver. 8. "He ſaith unto them, Moſes becauſe of the hardneſs

hardneſs of your hearts ſuffered you to put away your wives; but from the beginning it was not ſo."

"Moſes becauſe of the hardneſs of your hearts ſuffered you."] Hence the divinity now current argues, that this judicial law of Moſes is aboliſhed. But ſuppoſe it were ſo, though it hath been proved otherwiſe, the firmneſs of ſuch right to divorce, as here pleads is fetched from the prime inſtitution, does not ſtand or fall with the judicial Jew, but is as moral as what is moraleſt. Yet as I have ſhown poſitively, that this law cannot be abrogated, both by the words of our Saviour pronouncing the contrary, and by that unaboliſhable equity which it conveys to us; ſo I ſhall now bring to view thoſe appearances of ſtrength, which are levied from this text to maintain the moſt groſs and maſſy paradox that ever did violence to reaſon and religion, bred only under the ſhadow of theſe words, to all other piety or philoſophy ſtrange and inſolent, that God by act of law drew out a line of adultery almoſt two thouſand years long: although to detect the prodigy of this furmiſe, the former book ſet forth on this argument hath already been copious. I ſhall not repeat much, though I might borrow of mine own; but ſhall endeavour to add ſomething either yet untouched, or not largely enough explained. Firſt, it ſhall be manifeſt, that the common expoſition cannot poſſibly conſiſt with chriſtian doctrine: next, a truer meaning of this our Saviour's reply ſhall be left in the room. The received expoſition is, that God, though not approving, did enact a law to permit adultery by divorcement ſimply unlawful. And this conceit they feed with fond ſuppoſals, that have not the leaſt footing in Scripture: as that the Jews learned this cuſtom of divorce in Egypt, and therefore God would not unteach it them till Chriſt came, but let it ſtick as a notorious botch of deformity in the midſt of his moſt perfect and ſevere law. And yet he ſaith, Levit. the xviiith, "After the doings of Egypt ye ſhall not do." Another while they invent a ſlander (as what thing more bold than teaching ignorance when he ſhifts to hide his nakedneſs?) that the Jews were naturally to their wives the cruelleſt men in the world; would

poiſon, brain, and do I know not what, if they might not divorce. Certain, if it were a fault heavily puniſhed, to bring an evil report upon the land which God gave, what is it to raiſe a groundleſs calumny againſt the people which God made choice of? But that this bold interpretament, how commonly ſoever ſided with, cannot ſtand a minute with any competent reverence to God, or his law, or his people, nor with any other maxim of religion, or good manners, might be proved through all the heads and topics of argumentation; but I ſhall willingly be as conciſe as poſſible. Firſt the law, not only the moral, but the judicial, given by Moſes, is juſt and pure; for ſuch is God who gave it. "Hearken O Iſrael," ſaith Moſes, Deut. iv, "unto the ſtatutes and the judgments which I teach you, to do them, that ye may live, &c. Ye ſhall not add unto the word which I command you, neither ſhall ye diminiſh aught from it, that ye may keep the commandments of the Lord your God, which I command you." And onward in the chapter, "Behold, I have taught you ſtatutes and judgments, even as the Lord my God commanded me. Keep therefore and do them, for this is your wiſdom and your underſtanding. For what nation hath God ſo nigh unto them, and what nation hath ſtatutes and judgments ſo righteous as all this law, which I ſet before ye this day?" Is it imaginable there ſhould be among theſe a law which God allowed not, a law giving permiſſions laxative to unmarry a wife and marry a luſt, a law to ſuffer a kind of tribunal adultery? Many other ſcriptures might be brought to aſſert the purity of this judicial law, and many I have alleged before; this law therefore is pure and juſt. But if it permit, if it teach, if it defend that which is both unjuſt and impure, as by the common doctrine it doth, what think we? The three general doctrines of Juſtinian's law are, "To live in honeſty, To hurt no man, To give every one his due." Shall the Roman civil law obſerve theſe three things, as the only end of law, and ſhall a ſtatute be found in the civil law of God, enacted ſimply and totally againſt all theſe three precepts of nature and morality?

Secondly, The gifts of God are all perfect, and certainly the

law is of all his other gifts one of the perfectest. t if it give that outwardly which it takes away really, l give that ſeemingly, which, if a man take it, wraps n into ſin and damns him; what gift of an enemy n be more dangerous and deſtroying than this?

Thirdly, Moſes every where commends his laws, pre- them before all of other nations, and warrants them be the way of life and ſafety to all that walk therein, v. xviii. But if they contain ſtatutes which God proves not, and train men unweeting to commit in- ice and adultery under the ſhelter of law; if thoſe ngs be ſin, and death ſin's wages, what is this law but ſnare of death?

Fourthly, The ſtatutes and judgments of the Lord, ich, without exception, are often told us to be ſuch, doing we may live by them, are doubtleſs to be count- the rule of knowledge and of conſcience. "For I had known luſt," ſaith the apoſtle, "but by the law." t if the law come down from the ſtate of her in- ruptible majeſty to grant luſt his boon, palpably it kens and confounds both knowledge and conſcience; goes againſt the common office of all goodneſs and ndlineſs, which is at leaſt to counſel and admoniſh; ubverts the rules of all ſober education, and is itſelf a ſt negligent and debauching tutor.

Fifthly, If the law permits a thing unlawful, it permits t which elſewhere it hath forbid; ſo that hereby it ntradicts itſelf, and tranſgreſſes itſelf. But if the law come a tranſgreſſor, it ſtands guilty to itſelf, and how n ſhall it ſave another? It makes a confederacy with how then can it juſtly condemn a ſinner? And thus lucing itſelf to the ſtate of neither ſaving nor con- nning, it will not fail to expire ſolemnly ridiculous.

Sixthly, The prophets in ſcripture declare ſeverely ainſt the decreeing of that which is unjuſt, Pſal. xciv, ; Iſaiah x. But it was done, they ſay, for hardneſs of rt: to which objection the apoſtle's rule, "not to do l that good may come thereby," gives an invincible ulſe; and here eſpecially, where it cannot be ſhown w any good came by doing this evil, how rather more l did not hereon abound; for the giving way to hard-

neſs of heart hardens the more, and adds more to the number. God to an evil and adulterous generation would not "grant a ſign;" much leſs would he for their hardneſs of heart pollute his law with adulterous permiſſion. Yea, but to permit evil, is not to do evil. Yes, it is in a moſt eminent manner to do evil: where elſe are all our grave and faithful ſayings, that he whoſe office is to forbid and forbids not, bids, exhorts, encourages? Why hath God denounced his anger againſt parents, maſters, friends, magiſtrates, neglectful of forbidding what they ought, if law, the common father, maſter, friend, and perpetual magiſtrate, ſhall not only not forbid, but enact, exhibit, and uphold with countenance and protection, a deed every way diſhoneſt, whatever the pretence be? If it were of thoſe inward vices, which the law cannot by outward conſtraint remedy, but leaves to conſcience and perſuaſion, it had been guiltleſs in being ſilent: but to write a decree of that which can be no way lawful, and might with eaſe be hindered, makes law by the doom of law itſelf acceſſory in the higheſt degree.

Seventhly, It makes God the direct author of ſin: For although he be not made the author of what he ſilently permits in his providence, yet in his law, the image of his will, when in plain expreſſion he conſtitutes and ordains a fact utterly unlawful; what wants he to authorize it, and what wants that to be the author?

Eighthly, To eſtabliſh by law a thing wholly unlawful and diſhoneſt, is an affirmation was never heard of before in any law, reaſon, philoſophy, or religion, till it was raiſed by inconſiderate gloſſiſts from the miſtake of this text. And though the civilians have been contented to chew this opinion, after the canon had ſubdued them, yet they never could bring example or authority either from divine writ, or human learning, or human practice in any nation, or well-formed republic, but only from the cuſtomary abuſe of this text. Uſually they allege the epiſtle of Cicero to Atticus; wherein Cato is blamed for giving ſentence to the ſcum of Romulus, as if he were in Plato's commonwealth. Cato would have called

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e great one into judgment for bribery; Cicero, as ime ſtood, adviſed againſt it. Cato, not to endamage public treaſury, would not grant to the Roman hts, that the Aſian taxes might be farmed them at a ate. Cicero wiſhed it granted. Nothing in all this be like the eſtabliſhing of a law to ſin: here are no made, here only the execution of law is craved it be ſuſpended: between which and our queſtion is ad difference. And what if human lawgivers have eſſed they could not frame their laws to that perfec- which they deſired? We hear of no ſuch confeſſion Moſes concerning the laws of God, but rather all e and high teſtimony of perfection given them. although man's nature cannot bear exacteſt laws, yet within the confines of good it may and muſt, ſo long ſs good is far enough from altogether evil. As for ; they inſtance of uſury, let them firſt prove uſury e wholly unlawful, as the laws allows it; which ed men as numerous on the other ſide will deny . Or if it be altogether unlawful, why is it tole- l more than divorce? He who ſaid divorce not, alſo, "Lend, hoping for nothing again," Luke vi, But then they put in, that trade could not ſtand, o to ſerve the commodity of inſatiable trading, uſury be permitted: but divorce, the only means ofttimes ght the innocent and outrageouſly wronged, ſhall be ly forbid. This is egregious doctrine, and for h one day charity will much thank them. Beza not ng how to ſalve this perplexity, and Cameron ſince would ſecure us; although the latter confeſſes, that permit a wicked thing by law, is a wickedneſs h God abhors; yet to limit ſin, and preſcribe it a in meaſure, is good." Firſt, this evaſion will not here; for this law bounded no man: he might put y whatever found not favour in his eyes. And how d it forbid to divorce, whom it could not forbid to e, or command to love? If theſe be the limits of to reſtrain ſin, who ſo lame a ſinner but may hop them more eaſily than over thoſe Romulean cir- ſcriptions, not as Remus did with hard ſucceſs, but all indemnity? Such a limiting as this were not

worth the miſchief that accompanies it. This law therefore, not bounding the ſuppoſed ſin, by permitting enlarges it, gives it enfranchiſement. And never greater confuſion, than when law and ſin move their landmarks, mix their territories, and correſpond, have intercourſe, and traffic together. When law contracts a kindred and hoſpitality with tranſgreſſion, becomes the godfather of ſin, and names it lawful; when ſin revels and goſſips within the arſenal of law, plays and dandles the artillery of juſtice that ſhould be bent againſt her, this is a fair limitation indeed. Beſides, it is an abſurdity to ſay that law can meaſure ſin, or moderate ſin; ſin is not in a predicament to be meaſured and modified, but is always an exceſs. The leaſt ſin that is exceeds the meaſure of the largeſt law that can be good; and is as boundleſs as that vacuity beyond the world. If once it ſquare to the meaſure of law, it ceaſes to be an exceſs, and conſequently ceaſes to be a ſin; or elſe law conforming itſelf to the obliquity of ſin, betrays itſelf to be not ſtraight, but crooked, and ſo immediately no law. And the improper conceit of moderating ſin by law will appear, if we can imagine any lawgiver ſo ſenſeleſs as to decree, that ſo far a man may ſteal, and thus far be drunk, that moderately he may couzen, and moderately commit adultery. To the ſame extent it would be as pithily abſurd to publiſh, that a man may moderately divorce, if to do that be entirely naught. But to end this moot; the law of Moſes is manifeſt to fix no limit therein at all, or ſuch at leaſt as impeaches the fraudulent abuſer no more than if it were not ſet; only requires the diſmiſſive writing without other caution, leaves that to the inner man, and the bar of conſcience. But it ſtopped other ſins. This is as vain as the reſt, and dangerouſly uncertain: the contrary to be feared rather, that one ſin, admitted courteouſly by law, opened the gate to another. However, evil muſt not be done for good. And it were a fall to be lamented, and indignity unſpeakable, if law ſhould become tributary to ſin her ſlave, and forced to yield up into his hands her awful miniſter, puniſhment; ſhould buy out our peace with ſin for ſin, paying as it were her ſo many Philiſtian foreſkins to the proud demand of tranſgreſſion.

ranſgreſſion. But ſuppoſe it any way poſſible to limit ſin, o put a girdle about that Chaos, ſuppoſe it alſo good; ret if to permit ſin by law be an abomination in the eyes of God, as Cameron acknowledges, the evil of permitting will eat out the good of limiting. For though ſin be not limited, there can but evil come out of evil; but f it be permitted and decreed lawful by divine law, of orce then ſin muſt proceed from the infinite good, which s a dreadful thought. But if the reſtraining of ſin by his permiſſion being good, as this author teſtifies, be nore good than the permiſſion of more ſin by the reſtraint of divorce, and that God weighing both theſe like two ngots, in the perfect ſcales of his juſtice and providence, ound them ſo, and others, coming without authority rom God, ſhall change this counterpoiſe, and judge it etter to let ſin multiply by ſetting a judicial reſtraint ipon divorce which Chriſt never ſet; then to limit ſin by this permiſſion, as God himſelf thought beſt to permit it, it will behove them to conſult betimes whether theſe their balances be not falſe and abominable; and this their limiting that which God looſened, and their looſening the ſins that he limited, which they confeſs was good to do: and were it poſſible to do by law, doubtleſs it would be moſt morally good; and they ſo believing, as we hear they do, and yet aboliſhing a law ſo good and moral, the limiter of ſin, what are they elſe but contrary to themſelves? For they can never bring us to that time wherein it will not be good to limit ſin, and they can never limit it better than ſo as God preſcribed in his law.

Others conceive it a more defencible retirement to ſay, this permiſſion to divorce ſinfully for hardneſs of heart was a diſpenſation. But ſurely they either know not, or attended not to what a diſpenſation means. A diſpenſation is for no long time, is particular to ſome perſons, rather than general to a whole people; always hath charity the end, is granted to neceſſities and infirmities, not to obſtinate luſt. This permiſſion is another creature, hath all thoſe evils and abſurdities following the name of a diſpenſation, as when it was named a law; and is the very antarctic pole againſt charity, nothing more

more adverſe, enſnaring and ruining thoſe that truſt in it, or uſe it; ſo lewd and criminous as never durſt enter into the head of any politician, Jew, or proſelyte, till they became the apt ſcholars of this canoniſtic expoſition. Aught in it, that can allude in the leaſt manner to charity, or goodneſs, belongs with more full right to the Chriſtian under grace and liberty, than to the Jew under law and bondage. To Jewiſh ignorance it could not be diſpenſed, without a horrid imputation laid upon the law, to diſpenſe foully, inſtead of teaching fairly; like that diſpenſation that firſt polluted Chriſtendom with idolatry, permitting to laymen images inſtead of books and preaching. Sloth or malice in the law would they have this called? But what ignorance can be pretended for the Jews, who had all the ſame precepts about marriage, that we know? for Chriſt refers all to the inſtitution. It was as reaſonable for them to know then as for us now, and concerned them alike: for wherein hath the goſpel altered the nature of matrimony? All theſe conſiderations, or many of them, have been further amplified in "the Doctrine of Divorce." And what Rivetus and Paræus have objected, or given over as paſt cure, hath been there diſcuſſed. Whereby it may be plain enough to men of eyes, that the vulgar expoſition of a permittance by law to an intire ſin, whatever the colour may be, is an opinion both ungodly, unpolitic, unvirtuous, and void of all honeſty and civil ſenſe. It appertains therefore to every zealous Chriſtian both for the honour of God's law, and the vindication of our Saviour's words, that ſuch an irreligious depravement no longer may be ſoothed and flattered through cuſtom, but with all diligence and ſpeed ſolidly refuted, and in the room a better explanation given; which is now our next endeavour.

"Moſes ſuffered you to put away," &c.] Not commanded you, ſays the common obſerver, and therefore cared not how ſoon it were aboliſhed, being but ſuffered; herein declaring his annotation to be ſlight, and nothing law-prudent. For in this place "commanded" and "ſuffered" are interchangeably uſed in the ſame ſenſe both by our Saviour and the phariſees. Our Saviour, who

who here ſaith, "Moſes ſuffered you," in the 10th of Mark ſaith, "Moſes wrote you this command." And the phariſees, who here ſay, "Moſes commanded," and would mainly have it a command, in that place of Mark ſay, "Moſes ſuffered," which had made againſt them in their own mouths, if the word of "ſuffering" had weakened the command. So that ſuffered and commanded is here taken for the ſame thing on both ſides of the controverſy: as Cameron alſo and others on this place acknowledge. And lawyers know that all the precepts of law are divided into obligatory and permiſſive, containing either what we muſt do, or what we may do; and of this latter ſort are as many precepts as of the former, and all as lawful. Tutelage, an ordainment than which nothing more juſt, being for the defence of orphans, the Inſtitutes of Juſtinian ſay "is given and permitted by the civil law:" and "to parents it is permitted to chooſe and appoint by will the guardians of their children." What more equal, and yet the civil law calls this "permiſſion." So likewiſe to "manumiſe," to adopt, to make a will, and to be made an heir, is called "permiſſion" by law. Marriage itſelf, and this which is already granted, to divorce for adultery, obliges no man, is but a permiſſion by law, is but ſuffered. By this we may ſee how weakly it hath been thought, that all divorce is utterly unlawful, becauſe the law is ſaid to ſuffer it: whenas to "ſuffer" is but the legal phraſe denoting what by law a man may do or not do.

"Becauſe of the hardneſs of your hearts."] Hence they argue that therefore he allowed it not; and therefore it muſt be aboliſhed. But the contrary to this will ſooner follow, that becauſe he ſuffered it for a cauſe, therefore in relation to that cauſe he allowed it. Next, if he in his wiſdom, and in the midſt of his ſeverity allowed it for hardneſs of heart, it can be nothing better than arrogance and preſumption to take ſtricter courſes againſt hardneſs of heart, than God ever ſet an example; and that under the goſpel, which warrants them to no judicial act of compulſion in this matter, much leſs to be more ſevere againſt hardneſs of extremity, than God thought good to be againſt hardneſs of heart. He ſuffered it, rather than worſe inconveniences; theſe

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men wiſer, as they make themſelves, will ſuffer the worſt and heinouſeſt inconveniences to follow, rather than they will ſuffer what God ſuffered. Although they can know when they pleaſe, that Chriſt ſpake only to the conſcience, did not judge on the civil bench, but always diſavowed it. What can be more contrary to the ways of God, than theſe their doings? If they be ſuch enemies to hardneſs of heart, although this groundleſs rigour proclaims it to be in themſelves, they may yet learn, or conſider that hardneſs of heart hath a two-fold acceptation in the Goſpel. One, when it is in a good man taken for infirmity, and imperfection, which was in all the apoſtles, whoſe weakneſs only, not utter want of belief, is called hardneſs of heart, Mark xvi. Partly for this hardneſs of heart, the imperfection and decay of man from original righteouſneſs, it was that God ſuffered not divorce only, but all that which by civilians is termed the "ſecondary law of nature and of nations." He ſuffered his own people to waſte and ſpoil and ſlay by war, to lead captives, to be ſome maſters, ſome ſervants, ſome to be princes, others to be ſubjects; he ſuffered propriety to divide all things by ſeveral poſſeſſion, trade, and commerce, not without uſury; in his commonwealth ſome to be undeſervedly rich, others to be undeſervingly poor. All which till hardneſs of heart came in was moſt unjuſt; whenas prime nature made us all equal, made us equal coheirs by common right and dominion over all creatures. In the ſame manner, and for the ſame cauſe he ſuffered divorce as well as marriage, our imperfect and degenerate condition of neceſſity requiring this law among the reſt, as a remedy againſt intolerable wrong and ſervitude above the patience of man to bear. Nor was it given only becauſe our infirmity, or if it muſt be ſo called, hardneſs of heart could not endure all things; but becauſe the hardneſs of another's heart might not inflict all things upon an innocent perſon, whom far other ends brought into a league of love, and not of bondage and indignity. If therefore we aboliſh divorce as only ſuffered for hardneſs of heart, we may as well aboliſh the whole law of nations, as only ſuffered for the ſame cauſe; it being ſhown us by St. Paul, 1 Cor. vi, that the very ſeeking of a man's right by

by law, and at the hands of a worldly magiſtrate, is not without the hardneſs of our hearts. "For why do ye not rather take wrong," ſaith he, "why ſuffer ye not rather yourſelves to be defrauded?" If nothing now muſt be ſuffered for hardneſs of heart, I ſay the very proſecution of our right by way of civil juſtice can no more be ſuffered among Chriſtians, for the hardneſs of heart wherewith moſt men purſue it. And that would next remove all our judicial laws, and this reſtraint of divorce alſo in the number; which would more than half end the controverſy. But if it be plain, that the whole juridical law and civil power is only ſuffered under the goſpel, for the hardneſs of our hearts, then wherefore ſhould not that which Moſes ſuffered, be ſuffered ſtill by the ſame reaſon?

In a ſecond ſignification, hardneſs of heart is taken for a ſtubborn reſolution to do evil. And that God ever makes any law purpoſely to ſuch, I deny; for he vouchſafes to enter covenant with them, but as they fortune to be mixed with good men, and paſs undiſcovered; much leſs that he ſhould decree an unlawful thing only to ſerve their licentiouſneſs. But that God "ſuffers" this reprobate hardneſs of heart I affirm, not only in this law of divorce, but throughout all his beſt and pureſt commandments. He commands all to worſhip in ſingleneſs of heart according to all his ordinances; and yet ſuffers the wicked man to perform all the rites of religion hypocritically, and in the hardneſs of his heart. He gives us general ſtatutes and privileges in all civil matters, juſt and good of themſelves, yet ſuffers unworthieſt men to uſe them, and by them to proſecute their own right, or any colour of right, though for the moſt part maliciouſly, covetouſly, rigorouſly, revengefully. He allowed by law the diſcreet father and huſband to forbid, if he thought fit, the religious vows of his wife or daughter, Numb. xxx; and in the ſame law ſuffered the hardheartedneſs of impious and covetous fathers or huſbands abuſing this law, to forbid their wives or daughters in their offerings and devotions of greateſt zeal. If then God ſuffer hardneſs of heart equally in the beſt laws, as in this of divorce, there can be no reaſon

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that for this cauſe this law ſhould be aboliſhed. But other laws, they object, may be well uſed, this never. How often ſhall I anſwer, both from the inſtitution of marriage, and from other general rules in ſcripture, that this law of divorce hath many wiſe and charitable ends beſides the being ſuffered for hardneſs of heart, which is indeed no end, but an accident happening through the whole law; which gives to good men right, and to bad men, who abuſe right under falſe pretences, gives only ſufferance. Now although Chriſt expreſs no other reaſons here, but only what was ſuffered, it nothing follows that this law had no other reaſon to be permitted but for hardneſs of heart. The ſcripture ſeldom or never in one place ſets down all the reaſons of what it grants or commands, eſpecially when it talks to enemies and tempters. St. Paul permitting marriage, 1 Cor. vii, ſeems to permit even that alſo for hardneſs of heart only, leſt we ſhould run into fornication: yet no intelligent man thence concludes marriage allowed in the goſpel only to avoid an evil, becauſe no other end is there expreſſed. Thus Moſes of neceſſity ſuffered many to put away their wives for hardneſs of heart; but enacted the law of divorce doubtleſs for other good cauſes, not for this only ſufferance. He permitted not divorce by law as an evil, for that was impoſſible to divine law, but permitted by accident the evil of them who divorced againſt the law's intention undiſcoverably. This alſo may be thought not improbably, that Chriſt, ſtirred up in his ſpirit againſt theſe tempting phariſees, anſwered them in a certain form of indignation uſual among good authors; whereby the queſtion or the truth is not directly anſwered, but ſomething which is fitter for them, who aſk, to hear. So in the eccleſiaſtical ſtories, one demanding how God employed himſelf before the world was made? had anſwer, that he was making hell for curious queſtioners. Another (and Libanius the ſophiſt, as I remember) aſking in deriſion ſome Chriſtian, What the carpenter, meaning our Saviour, was doing, now that Julian ſo prevailed? had it returned him, that the carpenter was making a coffin for the apoſtate. So Chriſt being demanded maliciouſly why Moſes made the law of divorce,

divorce, anſwers them in a vehement ſcheme, not telling them the cauſe why he made it, but what was fitteſt to be told them, that "for the hardneſs of their hearts" he ſuffered them to abuſe it. And albeit Mark ſay not "he ſuffered" you, but "to you he wrote this precept;" Mark may be warrantably expounded by Matthew the larger. And whether he ſuffered, or gave precept, being all one as was heard, it changes not the trope of indignation, fitteſt account for ſuch aſkers. Next, for the hardneſs of "your hearts, to you he wrote this precept," infers not therefore for this cauſe only he wrote it, as was paralleled by other ſcriptures. Laſtly, it may be worth the obſerving, that Chriſt, ſpeaking to the phariſees, does not ſay in general that for hardneſs of heart he gave this precept, but "you he ſuffered and to you he gave this precept for your hardneſs of heart." It cannot be eaſily thought, that Chriſt here included all the children of Iſrael under the perſon of theſe tempting phariſees, but that he conceals wherefore he gave the better ſort of them this law, and expreſſes by ſaying emphatically "To you" how he gave it to the worſer, ſuch as the phariſees beſt repreſented, that is to ſay, for the hardneſs of your hearts: as indeed to wicked men and hardened hearts he gives the whole law and the goſpel alſo, to harden them the more. Thus many ways it may orthodoxally be underſtood how God or Moſes ſuffered ſuch as the demanders were, to divorce for hardneſs of heart. Whereas the vulgar expoſitor, beſet with contradictions and abſurdities round, and reſolving at any peril to make an expoſition of it, (as there is nothing more violent and boiſterous than a reverend ignorance in fear to be convicted) ruſhes brutely and impetuouſly againſt all the principles both of nature, piety, and moral goodneſs; and in the fury of his literal expounding overturns them all.

"But from the beginning it was not ſo."] Not how from the beginning? Do they ſuppoſe that men might not divorce at all, not neceſſarily, not deliberately, except for adultery, but that ſome law, like canon law, preſently attached them both before and after the flood, till ſtricter Moſes came, and with law brought licence into the world? that were a fancy indeed to ſmile at.

at. Undoubtedly as to point of judicial law, divorce was more permiſſive from the beginning before Moſes than under Moſes. But from the beginning, that is to ſay, by the inſtitution in Paradiſe, it was not intended that matrimony ſhould diſſolve for every trivial cauſe, as you phariſees accuſtom. But that it was not thus ſuffered from the beginning ever ſince the race of men corrupted, and laws were made, he who will affirm, muſt have found out other antiquities than are yet known. Beſides, we muſt conſider now, what can be ſo as from the beginning, not only what ſhould be ſo. In the beginning, had men continued perfect, it had been juſt that all things ſhould have remained, as they began to Adam and Eve. But after that the ſons of men grew violent and injurious, it altered the lore of juſtice, and put the government of things into a new frame. While man and woman were both perfect each to other, there needed no divorce; but when they both degenerated to imperfection, and oftimes grew to be an intolerable evil each to other, then law more juſtly did permit the alienating of that evil which miſtake made proper, than it did the appropriating of that good which nature at firſt made common. For if the abſence of outward good be not ſo bad as the preſence of a cloſe evil, and that propriety, whether by covenant or poſſeſſion, be but the attainment of ſome outward good, it is more natural and righteous that the law ſhould ſever us from an intimate evil, than appropriate any outward good to us from the community of nature. The goſpel indeed tending ever to that which is perfecteſt, aimed at the reſtorement of all things as they were in the beginning; and therefore all things were in common to thoſe primitive Chriſtians in the Acts, which Ananias and Sapphira dearly felt. That cuſtom alſo continued more or leſs till the time of Juſtin Martyr, as may be read in his ſecond Apology, which might be writ after that act of communion perhaps ſome forty years above a hundred. But who will be the man that ſhall introduce this kind of commonwealth, as chriſtianity now goes? If then marriage muſt be as in the beginning, the perſons that marry muſt be ſuch as then were; the inſtitution muſt make

make good, in ſome tolerable ſort, what it promiſes to either party. If not, it is but madneſs to drag this one ordinance back to the beginning, and draw down all other to the preſent neceſſity and condition, far from the beginning, even to the tolerating of extortions and oppreſſions. Chriſt only told us, that from the beginning it was not ſo; that is to ſay, not ſo as the phariſees manured the buſineſs; did not command us that it ſhould be forcibly ſo again in all points, as at the beginning; or ſo at leaſt in our intentions and deſires, but ſo in execution, as reaſon and preſent nature can bear. Although we are not to ſeek, that the inſtitution itſelf from the firſt beginning was never but conditional, as all covenants are: becauſe thus and thus, therefore ſo and ſo; if not thus, then not ſo. Then moreover was perfecteſt to fulfil each law in itſelf; now is perfecteſt in this eſtate of things, to aſk of charity how much law may be fulfilled: elſe the fulfilling ofttimes is the greateſt breaking. If any therefore demand, which is now moſt perfection, to eaſe an extremity by divorce, or to enrage and feſter it by the grievous obſervance of a miſerable wedlock, I am not deſtitute to ſay, which is moſt perfection (although ſome, who believe they think favourably of divorce eſteem it only venial to infirmity). Him I hold more in the way to perfection, who foregoes an unfit, ungodly, and diſcordant wedlock, to live according to peace and love, and God's inſtitution in a fitter choice, than he who debars himſelf the happy experience of all godly, which is peaceful converſation in his family, to live a contentious, and unchriſtian life not to be avoided, in temptations not to be lived in, only for the falſe keeping of a moſt unreal nullity, a marriage that hath no affinity with God's intention, a daring phantaſm, a mere toy of terrour awing weak ſenſes, to the lamentable ſuperſtition of ruining themſelves; the remedy whereof God in his law vouchſafes us. Which not to dare uſe, he warranting, is not our perfection, is our infirmity, our little faith, our timorous and low conceit of charity: and in them who force us, it is their malking pride and vanity, to ſeem holier and more circumſpect than God. So far is it that we need impute to him infirmity, who thus divorces:

ſince the rule of perfection is not ſo much that which was done in the beginning, as that which is now neareſt to the rule of charity. This is the greateſt, the perfecteſt, the higheſt commandment.

Ver. 9. "And I ſay unto you, whoſo ſhall put away his wife, except it be for fornication, and ſhall marry another, committeth adultery: and whoſo marrieth her which is put away, doth commit adultery."

"And I ſay unto you."] That this reſtrictive denouncement of Chriſt contradicts and refutes that permiſſive precept of Moſes, common expoſitors themſelves diſclaim: and that it does not traverſe from the cloſet of conſcience to the courts of civil or canon law, with any chriſtian rightly commenced, requires not long evincing. If Chriſt then did not here check permiſſive Moſes, nor did reduce matrimony to the beginning more than all other things, as the reaſon of man's condition could bear; we would know preciſely what it was which he did, and what the end was of his declaring thus auſterely againſt divorce. For this is a confeſſed oracle in law, that he who looks not at the intention of a precept, the more ſuperſtitious he is of the letter, the more he miſinterprets. Was it to ſhame Moſes? that had been monſtrous: or all thoſe pureſt ages of Iſrael, to whom the permiſſion was granted? that were as incredible. Or was it that he who came to abrogate the burden of law, not the equity, ſhould put this yoke upon a blameleſs perſon, to league himſelf in chains with a begirting miſchief, not to ſeparate till death? He who taught us, that no man puts a piece of new cloth upon an old garment, or new wine into old bottles, that he ſhould ſew this patch of ſtrictneſs upon the old apparel of our frailty, to make a rent more incurable, whenas in all other amendments his doctrine ſtill charges, that regard be had to the garment, and to the veſſel, what it can endure; this were an irregular and ſingle piece of rigour, not only ſounding diſproportion to the whole goſpel, but outſtretching the moſt rigorous nerves of law and rigour itſelf. No other end therefore can be left imaginable of this exceſſive reſtraint, but to bridle thoſe erroneous and

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licentious poſtillers the phariſees; not by telling them what may be done in neceſſity, but what cenſure they deſerve who divorce abuſively, which their Tetrarch had done. And as the offence was in one extreme, ſo the rebuke, to bring more efficaciouſly to a rectitude and mediocrity, ſtands not in the middle way of duty, but in the other extreme. Which art of powerful reclaiming, wiſeſt men have alſo taught in their ethical precepts and Gnomologies, reſembling it, as when we bend a crooked wand the contrary way; not that it ſhould ſtand ſo bent, but that the overbending might reduce it to a ſtraightneſs by its own reluctance. And as the phyſician cures him who hath taken down poiſon, not by the middling temper of nouriſhment, but by the other extreme of antidote, ſo Chriſt adminiſters here a ſharp and corroſive ſentence againſt a foul and putrid licence; not to eat into the fleſh, but into the ſore. And knowing that our divines through all their comments make no ſcruple, where they pleaſe, to ſoften the high and vehement ſpeeches of our Saviour, which they call hyperboles: why in this one text ſhould they be ſuch crabbed Maſorites of the letter, as not to mollify a tranſcendence of literal rigidity, which they confeſs to find often elſewhere in his manner of delivery, but muſt make their expoſition here ſuch an obdurate Cyclops, to have but one eye for this text, and that only open to cruelty and enthralment, ſuch as no divine or human law before ever heard of? No, let the foppiſh canoniſt, with his fardel of matrimonial caſes, go and be vendible where men be ſo unhappy as to cheapen him: the words of Chriſt ſhall be aſſerted from ſuch elemental notaries, and reſolved by the now only lawgiving mouth of charity; which may be done undoubtedly by underſtanding them as follows.

"Whoſoever ſhall put away his wife."] That is to ſay, ſhall ſo put away as the propounders of this queſtion, the phariſees, were wont to do, and covertly defended Herod for ſo doing; whom to rebuke, our Saviour here mainly intends, and not to determine all the caſes of divorce, as appears by St. Paul. Whoſoever ſhall put away, either violently without mutual conſent for urgent reaſons, or conſpiringly by plot of luſt, or cunning malice, ſhall put away for any ſudden mood, or contingency of

diſagreement, which is not daily practice, but may blow ſoon over, and be reconciled, except it be fornication; whoſoever ſhall put away raſhly, as his choler prompts him, without due time of deliberating, and think his conſcience diſcharged only by the bill of divorce given, and the outward law ſatisfied; whoſoever, laſtly, ſhall put away his wife, that is a wife indeed, and not in name only, ſuch a one who both can and is willing to be a meet help toward the chief ends of marriage both civil and ſanctified, except fornication be the cauſe, that man, or that pair, commit adultery. Not he who puts away by mutual conſent, with all the conſiderations and reſpects of humanity and gentleneſs, without malicious or luſtful drift. Not he who after ſober and cool experience, and long debate within himſelf, puts away, whom though he cannot love or ſuffer as a wife with that ſincere affection that marriage requires, yet loves at leaſt with that civility and goodneſs, as not to keep her under a neglected and unwelcome reſidence, where nothing can be hearty, and not being, it muſt needs be both unjoyous, and injurious to any perceiving perſon ſo detained, and more injurious than to be freely, and upon good terms diſmiſſed. Nor doth he put away adulterouſly who complains of cauſes rooted in immutable nature, utter unfitneſs, utter diſconformity, not conciliable, becauſe not to be amended without a miracle. Nor he who puts away an unquenchable vexation from his boſom, and flies an evil, than which a greater cannot befal human ſociety. Nor he who puts away with the full ſuffrage and applauſe of his conſcience, not relying on the written bill of law, but claiming by faith and fulneſs of perſuaſion the rights and promiſes of God's inſtitution, of which he finds himſelf in a miſtaken wedlock defrauded. Doubtleſs this man hath bail enough to be no adulterer, giving divorce for theſe cauſes.

"His wife."] This word is not to be idle here, a mere word without a ſenſe, much leſs a fallacious word ſignifying contrary to what it pretends; but faithfully ſignifies a wife, that is, a comfortable help and ſociety, as God inſtituted; does not ſignify deceitfully under this name an intolerable adverſary, not a helpleſs, unaffectionate, and ſullen maſs, whoſe very company repreſents the

the viſible and exacteſt figure of lonelineſs itſelf. Such an aſſociate he who puts away, divorces not a wife, but diſjoins a nullity which God never joined, if ſhe be neither willing, nor to her proper and requiſite duties ſufficient, as the words of God inſtitute her. And this alſo is Bucer's explication of this place.

"Except it be for fornication," or "ſaving for the cauſe of fornication," as Matt. v.] This declares what kind of cauſes our Saviour meant; fornication being no natural and perpetual cauſe, but only accidental and temporary; therefore ſhows that head of cauſes from whence it is excepted, to be meant of the ſame ſort. For exceptions are not logically deduced from a diverſe kind, as to ſay whoſo puts away for any natural cauſe except fornication, the exception would want ſalt. And if they underſtand it, whoſo for any cauſe whatever, they caſt themſelves; granting divorce for frigidity a natural cauſe of their own allowing, though not here expreſſed, and for deſertion without infidelity, whenas he who marries, as they allow him for deſertion, deſerts as well as is deſerted, and finally puts away for another cauſe beſides adultery. It will with all due reaſon therefore be thus better underſtood, whoſo puts away for any accidental and temporary cauſes, except one of them, which is fornication. Thus this exception finds out the cauſes from whence it is excepted, to be of the ſame kind, that is caſual, not continual.

"Saving for the cauſe of fornication."] The New Teſtament, though it be ſaid originally writ in Greek, yet hath nothing near ſo many Atticiſms as Hebraiſms, and Syriaciſms, which was the majeſty of God, not filing the tongue of Scripture to a Gentiliſh idiom, but in a princely manner offering to them as to Gentiles and foreigners grace and mercy, though not in foreign words, yet in a foreign ſtyle that might induce them to the fountains; and though their calling were high and happy, yet ſtill to acknowledge God's ancient people their betters, and that language the metropolitan language. He therefore who thinks to ſcholiaze upon the goſpel, though Greek, according to his Greek analogies, and hath not been auditor to the oriental dialects, ſhall want in the heat of

his analyſis no accommodation to ſtumble. In this place, as the v. of Matth. reads it, "Saving for the cauſe of fornication," the Greek, ſuch as it is, ſounds it, except for the "word, report, ſpeech, or proportion" of fornication. In which regard, with other inducements, many ancient and learned writers have underſtood this exception, as comprehending any fault equivalent and proportional to fornication. But truth is, the evangeliſt here Hebraizes, taking "word or ſpeech for cauſe or matter" in the common Eaſtern phraſe, meaning perhaps no more than if he had ſaid for fornication, as in this xix chapter. And yet the word is found in the v. of Exodus alſo ſignifying proportion; where the Iſraelities are commanded to do their taſks, "the matter of each day in his day." A taſk we know is a proportion of work, not doing the ſame thing abſolutely every day, but ſo much. Whereby it may be doubtful yet, whether here be not excepted not only fornication itſelf, but other cauſes equipollent, and proportional to fornication. Which very word alſo to underſtand rightly, we muſt of neceſſity have recourſe again to the Hebrew. For in the Greek and Latin ſenſe by fornication is meant the common proſtitution of body for ſale. So that they who are ſo exact for the letter ſhall be dealt with by the Lexicon, and the Etymologicon too if they pleaſe, and muſt be bound to forbid divorce for adultery alſo, until it come to open whoredom and trade, like that for which Claudius divorced Meſſalina. Since therefore they take not here the word fornication in the common ſignificance, for an open exerciſe in the ſtews, but grant divorce for one ſingle act of privateſt adultery, notwithſtanding that the word ſpeaks a public and notorious frequency of fact, not without price; we may reaſon with as good leave, and as little ſtraining to the text, that our Saviour on ſet purpoſe choſe this word fornication, improperly applied to the lapſe of adultery, that we might not think ourſelves bound from all divorce, except when that fault hath been actually committed. For the language of Scripture ſignifies by fornication (and others beſides St. Auſtin ſo expounded it) not only the treſpaſs of body, nor perhaps that between married perſons, unleſs in a degree or quality as ſhameleſs as the bordello;

bordello; but ſignifies alſo any notable diſobedience, or intractable carriage of the wife to the huſband, as Judg. xix, 2, whereof at large in "the Doctrine of Divorce," l. 2, c. 18. Secondly, ſignifies the apparent alienation of mind not to idolatry, (which may ſeem to anſwer the act of adultery) but far on this ſide, to any point of will-worſhip, though to the true God; ſometimes it notes the love of earthly things, or wordly pleaſures, though in a right believer, ſometimes the leaſt ſuſpicion of unwitting idolatry. As Numb. xv, 39, wilful diſobedience to any of the leaſt of God's commandments is called fornication: Pſalm. lxxiii, 26, 27, a diſtruſt only in God, and withdrawing from that nearneſs of zeal and confidence which ought to be, is called fornication. We may be ſure it could not import thus much leſs than idolatry in the borrowed metaphor between God and man, unleſs it ſignified as much leſs than adultery in the ordinary acceptation between man and wife. Add alſo, that there was no need our Saviour ſhould grant divorce for adultery, it being death by law, and law then in force. Which was the cauſe why Joſeph ſought to put away his betrothed wife privately, leſt he ſhould make her an example of capital puniſhment, as learnedeſt expounders affirm, Herod being a great zealot of the Moſaic law, and the phariſees great maſters of the text; as the woman taken in adultery doubtleſs had cauſe to fear. Or if they can prove it was neglected, which they cannot do, why did our Saviour ſhape his anſwer to the corruption of that age, and not rather tell them of their neglect? If they ſay he came not to meddle with their judicatures, much leſs then was it in his thought to make them new ones, or that divorce ſhould be judicially reſtrained in a ſtricter manner by theſe his words, more than adultery judicially acquitted by thoſe his words to the adultereſs. His ſentence doth no more by law forbid divorce here, than by law it doth abſolve adultery there. To them therefore, who have drawn this yoke upon Chriſtians from his words thus wreſted, nothing remains but the guilt of a preſumption and perverſeneſs, which will be hard for them to anſwer. Thus much that the word fornication is to be underſtood as the language of Chriſt underſtands it

for a conſtant alienation and diſaffection of mind, or for the continual practice of diſobedience and croſſneſs from the duties of love and peace; that is in ſum, when to be a tolerable wife is either naturally not in their power, or obſtinately not in their will: and this opinion alſo is St. Auſtin's, leſt it ſhould hap to be ſuſpected of novelty. Yet grant the thing here meant were only adultery, the reaſon of things will afford more to our aſſertion, than did the reaſon of words. For why is divorce unlawful but only for adultery? becauſe, ſay they, that crime only breaks the matrimony. But this, I reply, the inſtitution itſelf gainſays: for that which is moſt contrary to the words and meaning of the inſtitution, that moſt breaks the matrimony; but a perpetual unmeetneſs and unwillingneſs to all the duties of help, of love, and tranquillity, is moſt contrary to the words and meaning of the inſtitution; that therefore much more breaks matrimony than the act of adultery, though repeated. For this, as it is not felt, nor troubles him who perceives it not, ſo being perceived, may be ſoon repented, ſoon amended: ſoon, if it can be pardoned, may be redeemed with the more ardent love and duty in her who hath the pardon. But this natural unmeetneſs both cannot be unknown long, and ever after cannot be amended, if it be natural, and will not, if it be far gone obſtinate. So that wanting aught in the inſtant to be as great a breach as adultery, it gains it in the perpetuity to be greater. Next, adultery does not exclude her other fitneſs, her other pleaſingneſs; ſhe may be otherwiſe both loving and prevalent, as many adultereſſes be; but in this general unfitneſs or alienation ſhe can be nothing to him that can pleaſe. In adultery nothing is given from the huſband, which he miſſes, or enjoys the leſs, as it may be ſubtly given: but this unfitneſs defrauds him of the whole contentment which is ſought in wedlock. And what benefit to him, though nothing be given by the ſtealth of adultery to another, if that which there is to give, whether it be ſolace, or ſociety, be not ſuch as may juſtly content him? and ſo not only deprives him of what it ſhould give him, but gives him ſorrow and affliction, which it did not owe him. Beſides, is adultery the greateſt breach of matri-

mony in reſpect of the offence to God, or of the injury to man? If in the former, then other ſins may offend God more, and ſooner cauſe him to diſunite his ſervant from being one fleſh with ſuch an offender. If in reſpect of the latter, other injuries are demonſtrated therein more heavy to man's nature than the iterated act of adultery. God therefore, in his wiſdom, would not ſo diſpoſe his remedies, as to provide them for the leſs injuries, and not allow them for the greater. Thus is won both from the word fornication, and the reaſon of adultery, that the exception of divorce is not limited to that act, but enlarged to the cauſes above ſpecified.

"And whoſo marrieth her which is put away, doth commit adultery."] By this clauſe alone, if by nothing elſe, we may aſſure us that Chriſt intended not to deliver here the whole doctrine of divorce, but only to condemn abuſes. Otherwiſe to marry after deſertion, which the apoſtle, and the reformed churches at this day permit, is here forbid, as adultery. Be ſhe never ſo wrongfully deſerted, or put away, as the law then ſuffered, if thus forſaken and expulſed, ſhe accept the refuge and protection of any honeſter man who would love her better, and give herſelf in marriage to him; by what the letter guides us, it ſhall be preſent adultery to them both. This is either harſh and cruel, or all the churches, teaching as they do to the contrary, are looſe and remiſs; beſides that the apoſtle himſelf ſtands deeply fined in a contradiction againſt our Saviour. What ſhall we make of this? what rather the common interpreter can make of it, for they be his own markets, let him now try; let him try which way he can wind in his Vertumnian diſtinctions and evaſions, if his canonical gabardine of text and letter do not now ſit too cloſe about him, and pinch his activity; which if I err not, hath here hampered itſelf in a ſpring fit for thoſe who put their confidence in alphabets. Spanheim a writer of "Evangelic Doubts," comes now and confeſſes, that our Saviour's words are "to be limited beyond the limitation there expreſſed, and excepted beyond their own exception," as not ſpeaking of what happened rarely, but what moſt commonly. Is it ſo rare, Spanheim, to be deſerted? or was it then ſo rare

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to put away injuriouſly, that a perſon ſo hatefully expelled, ſhould to the heaping of more injury be turned like an infectious thing out of all marriage-fruition upon pain of adultery, as not conſiderable to the brevity of this half ſentence? Of what then ſpeaks our Saviour? "of that colluſion," ſaith he, "which was then moſt frequent among the Jews, of changing wives and huſbands through inconſtancy and unchaſte deſires." Colluders yourſelves, as violent to this law of God by your unmerciful binding, as the phariſees by their unbounded looſening! Have thouſands of chriſtian ſouls periſhed as to this life, and God knows what hath betided their conſciences, for want of this healing explanation; and is it now at laſt obſcurely drawn forth, only to cure a ſcratch, and leave the main wound ſpouting? "Whoſoever putteth away his wife, except for fornication, committeth adultery." That ſhall be ſpoke of all ages, and all men, though never ſo juſtly otherwiſe moved to divorce: in the very next breath, "And whoſo marrieth her which is put away committeth adultery:" the men are new and miraculous, they tell you now, "you are to limit it to that age, when it was in faſhion to chop matrimonies; and muſt be meant of him who puts away with his wife's conſent through the lightneſs and lewdneſs of them both." But by what rule of logic, or indeed of reaſon, is our commiſſion to underſtand the antecedent one way and the conſequent another? for in that habitude this whole verſe may be conſidered: or at leaſt to take the parts of a copulate axiom, both abſolutely affirmative, and to ſay, the firſt is abſolutely true, the other not, but muſt be limited to a certain time and cuſtom; which is no leſs than to ſay they are both falſe? For in this compound axiom, be the parts never ſo many, if one of them do but falter, and be not equally abſolute and general, the reſt are all falſe. If therefore, that "he who marries her which is put away commits adultery," be not generally true, neither is it generally true, that "he commits adultery who puts away for other cauſe than fornication." And if the marrying her which is put away muſt be underſtood limited, which they cannot but yield it muſt, with the ſame limitation muſt be underſtood the putting away.

away. Thus doth the common expoſition confound itſelf and juſtify this which is here brought; that our Saviour, as well in the firſt part of this ſentence as in the ſecond, prohibited only ſuch divorces as the Jews then made through malice or through plotted licenſe, not thoſe which are for neceſſary and juſt cauſes; where charity and wiſdom disjoins, that which not God, but errour and diſaſter joined.

And there is yet to this our expoſition, a ſtronger ſiding friend, than any can be an adverſary, unleſs St. Paul be doubted, who repeating a command concerning divorce, 1 Cor. vii, which is agreed by writers to be the ſame with this of our Saviour, and appointing that the "wife remain unmarried, or be reconciled to her huſband," leaves it infallible, that our Saviour ſpake chiefly againſt putting away for caſual and choleric diſagreements, or any other cauſe which may with human patience and wiſdom be reconciled; not hereby meaning to hale and daſh together the irreconcileable averſations of nature, nor to tie up a faultleſs perſon like a parricide, as it were into one ſack with an enemy, to be his cauſeleſs tormentor and executioner the length of a long life. Laſtly, let this ſentence of Chriſt be underſtood how it will, yet that it was never intended for a judicial law, to be enforced by the magiſtrate, beſides that the office of our Saviour had no ſuch purpoſe in the goſpel, this latter part of the ſentence may aſſure us, "And whoſo marrieth her which is put away, commits adultery." Shall the exception for adultery belong to this clauſe or not? If not, it would be ſtrange, that he who marries a woman really divorced for adultery, as Chriſt permitted, ſhould become an adulterer by marrying one who is now no other man's wife, himſelf being alſo free, who might by this means reclaim her from common whoredom. And if the exception muſt belong hither, then it follows that he who marries an adultreſs divorced commits no adultery; which would ſoon diſcover to us what an abſurd and ſenſeleſs piece of injuſtice this would be, to make a civil ſtatute of in penal courts: whereby the adultreſs put away may marry another ſafely; and without a crime to him that marries her; but the innocent and wrongfully divorced

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ſhall not marry again without the guilt of adultery both to herſelf and to her ſecond huſband. This ſaying of Chriſt therefore cannot be made a temporal law, where it but for this reaſon. Nor is it eaſy to ſay what coherence there is at all in it from the letter, to any perfect ſenſe not obnoxious to ſome abſurdity, and ſeems much leſs agreeable to whatever elſe of the goſpel is left us written: doubtleſs by our Saviour ſpoken in that fierceneſs and abſtruſe intricacy, firſt to amuſe his tempters, and admoniſh in general the abuſers of that Moſaic law; next, to let Herod know a ſecond knower of his unlawful act, though the Baptiſt were beheaded; laſt, that his diſciples and all good men might learn to expound him in this place, as in all other his precepts, not by the written letter, but by that unerring paraphraſe of chriſtian love and charity, which is the ſum of all commands, and the perfection.

Ver. 10. "His diſciples ſay unto him, If the caſe of the man be ſo with his wife, it is not good to marry."

This verſe I add, to leave no objection behind unanſwered: for ſome may think, if this our Saviour's ſentence be ſo fair, as not commanding aught that patience or nature cannot brook, why then did the diſciples murmur and ſay, "it is not good to marry?" I anſwer, that the diſciples had been longer bred up under the phariſæan doctrine, than under that of Chriſt, and ſo no marvel though they yet retained the infection of loving old licentious cuſtoms; no marvel though they thought it hard they might not for any offence, that thoroughly angered them, divorce a wife, as well as put away a ſervant, ſince it was but giving her a bill, as they were taught. Secondly, it was no unwonted thing with them not to underſtand our Saviour in matters far eaſier. So that be it granted their conceit of this text was the ſame which is now commonly conceived, according to the uſual rate of their capacity then, it will not hurt a better interpretation. But why did not Chriſt, ſeeing their errour, inform them? for good cauſe, it was his profeſſed method not to teach them all things at all times, but each thing in due place and ſeaſon. Chriſt ſaid, Luke xxii, that

that "he who had no ſword, ſhould ſell his garment and buy one:" the diſciples took it in a manifeſt wrong ſenſe, yet our Saviour did not there inform them better. He told them, "it was eaſier for a camel to go through a needle's eye," than a rich man in at Heaven-gate. They were "amazed exceedingly:" he explained himſelf to mean of thoſe "who truſt in riches," Mark x. "They were amazed then out of meaſure," for ſo Mark relates it; as if his explaining had increaſed their amazement in ſuch a plain caſe, and which concerned ſo nearly their calling to be informed in. Good reaſon therefore, if Chriſt at that time did not ſtand amplifying, to the thick prejudice and tradition wherein they were, this queſtion of more difficulty, and leſs concernment to any perhaps of them in particular. Yet did he not omit to ſow within them the ſeeds of a ſufficient determining, againſt the time that his promiſed ſpirit ſhould bring all things to their memory. He had declared in their hearing not long before, how diſtant he was from aboliſhing the law itſelf of divorce; he had referred them to the inſtitution; and after all this, gives them a ſet anſwer, from which they might collect what was clear enough, that "all men cannot receive all ſayings," ver. 11. If ſuch regard be had to each man's receiving of marriage or ſingle life, what can ariſe, that the ſame chriſtian regard ſhould not be had in moſt neceſſary divorce? All which inſtructed both them and us, that it beſeemed his diſciples to learn the deciding of this queſtion, which hath nothing new in it, firſt by the inſtitution, then by the general grounds of religion, not by a particular ſaying here and there, tempered and levelled only to an incident occaſion, the riddance of a tempting aſſault. For what can this be but weak and ſhallow apprehenſion, to forſake the ſtandard principles of inſtitution, faith and charity; then to be blank and various at every occurrence in ſcripture, and in a cold ſpaſm of ſcruple, to rear peculiar doctrines upon the place, that ſhall bid the gray authority of moſt unchangeable and ſovereign rules to ſtand by and be contradicted? Thus to this evangelic precept of famous difficulty, which for theſe many ages weakly underſtood, and violently put in practice, hath made a ſhambles rather

rather than an ordinance of matrimony, I am firm a truer expoſition cannot be given. If this or that argument here uſed pleaſe not every one, there is no ſcarcity of arguments, any half of them will ſuffice. Or ſhould they all fail, as truth itſelf can fail as ſoon, I ſhould content me with the inſtitution alone to wage this controverſy, and not diſtruſt to evince. If any need it not, the happier; yet chriſtians ought to ſtudy earneſtly what may be another's need. But if, as mortal miſchances are, ſome hap to need it, let them be ſure they abuſe not, and give God his thanks, who hath revived this remedy, not too late for them, and ſcowered off an inveterate miſexpoſition from the goſpel: a work not to periſh by the vain breath or doom of this age. Our next induſtry ſhall be, under the ſame guidance, to try with what fidelity that remaining paſſage in the Epiſtles touching this matter hath been commented.

1 Cor. vii, 10, &c.

10. "And unto the married I command," &c.

11. "And let not the huſband put away his wife."

THIS intimates but what our Saviour taught before, that divorce is not raſhly to be made, but reconcilement to be perſuaded and endeavoured, as oft as the cauſe can have to do with reconcilement, and is not under the dominion of blameleſs nature; which may have reaſon to depart, though ſeldomeſt and laſt from charitable love, yet ſometimes from friendly, and familiar, and ſomething oftener from conjugal love, which requires not only moral, but natural cauſes to the making and maintaining; and may be warrantably excuſed to retire from the deception of what it juſtly ſeeks, and the ill requitals which unjuſtly it finds. For nature hath her zodiac alſo, keeps her great annual circuit over human things, as truly as the ſun and planets in the firmament; hath her anomalies; hath her obliquities in aſcenſions and declinations, acceſſes and receſſes, as blameleſly as they in Heaven. And ſitting in her planetary orb with two reins in each hand, one ſtrait, the other looſe, tempers the courſe of minds

minds as well as bodies to ſeveral conjunctions and oppoſitions, friendly or unfriendly aſpects, conſenting oftest with reaſon, but never contrary. This in the effect no man of meaneſt reach but daily ſees; and though to every one it appear not in the cauſe, yet to a clear capacity, well nurtured with good reading and obſervation, it cannot but be plain and viſible. Other expoſition therefore than hath been given to former places, that give light to theſe two ſummary verſes, will not be needful: ſave only that theſe precepts are meant to thoſe married who differ not in religion.

"But to the reſt ſpeak I, not the Lord; if any brother hath a wife that believeth not, and ſhe be pleaſed to dwell with him, let him not put her away."

Now follows what is to be done, if the perſons wedded be of a different faith. The common belief is, that a chriſtian is here commanded not to divorce, if the infidel pleaſe to ſtay, though it be but to vex, or to deride, or to ſeduce the chriſtian. This doctrine will be the eaſy work of a refutation. The other opinion is, that a chriſtian is here conditionally permitted to hold wedlock with a miſbeliever only, upon hopes limited by chriſtian prudence, which without much difficulty ſhall be defended. That this here ſpoken by Paul, not by the Lord, cannot be a command, theſe reaſons avouch. Firſt, the law of Moſes, Exod. xxxiv, 16, Deut. vii, 3, 6, interpreted by Ezra and Nehemiah, two infallible authors, commands to divorce an infidel not for the fear only of a ceremonious defilement, but of an irreligious ſeducement, feared both in reſpect of the believer himſelf, and of his children in danger to be perverted by the miſbelieving parent, Nehem. xiii, 24. 26. And Peter Martyr thought this a convincing reaſon. If therefore the legal pollution vaniſhing have abrogated the ceremony of this law, ſo that a chriſtian may be permitted to retain an infidel without uncleanneſs, yet the moral reaſon of divorcing ſtands to eternity, which neither apoſtle nor angel from Heaven can countermand. All that they reply to this is their human warrant, that God will preſerve us in our obedience to this command againſt the danger of ſeducement. And ſo undoubtedly he will, if we underſtand his commands aright;

aright; if we turn not this evangelic permiſſion into a legal, and yet illegal command; if we turn not hope into bondage, the charitable and free hope of gaining another into the forced and ſervile temptation of loſing ourſelves: but more of this beneath. Thus theſe words of Paul by common doctrine made a command, are made a contradiction to the moral law.

Secondly, Not the law only, but the goſpel from the law, and from itſelf, requires even in the ſame chapter, where divorce between them of one religion is ſo narrowly forbid, rather than our chriſtian love ſhould come into danger of backſliding, to forſake all relations how near ſoever, and the wife expreſsly, with promiſe of a high reward, Mat. xix. And he who hates not father or mother, wife or children, hindering his chriſtian courſe, much more if they deſpiſe or aſſault it, cannot be a diſciple, Luke xiv. How can the apoſtle then command us to love and continue in that matrimony, which our Saviour bids us hate and forſake? They can as ſoon teach our faculty of reſpiration to contract and to dilate itſelf at once, to breathe and to fetch breath in the ſame inſtant, as teach our minds how to do ſuch contrary acts as theſe towards the ſame object, and as they muſt be done in the ſame moment. For either the hatred of her religion, and her hatred to our religion will work powerfully againſt the love of her ſociety, or the love of that will by degrees flatter out all our zealous hatred and forſaking, and ſoon enſnare us to unchriſtianly compliances.

Thirdly, In marriage there ought not only to be a civil love, but ſuch a love as Chriſt loves his church; but where the religion is contrary without hope of converſion, there can be no love, no faith, no peaceful ſociety, (they of the other opinion confeſs it) nay there ought not to be, further than in expectation of gaining a ſoul; when that ceaſes, we know God hath put an enmity between the ſeed of the woman, and the ſeed of the ſerpent. Neither ſhould we "love them that hate the Lord," as the prophet told Jehoſaphat, 2 Chron. xix. And this apoſtle himſelf in another place warns us, that we be not unequally yoked with infidels," 2 Cor. vi. for that there can be no fellowſhip, no communion, no concord between

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ſuch. Outward commerce and civil intercourſe cannot perhaps be avoided; but true friendſhip and familiarity there can be none. How vainly therefore, not to ſay how impiouſly would the moſt inward and dear alliance of marriage or continuance in marriage be commanded, where true friendſhip is confeſſed impoſſible? For ſay they, we are forbid here to marry with an infidel, not bid to divorce. But to rob the words thus of their full ſenſe, will not be allowed them: it is not ſaid, enter not into yoke, but "be not unequally yoked;" which plainly forbids the thing in preſent act, as well as in purpoſe: and his manifeſt concluſion is, not only that "we ſhould not touch," but that having touched, "we ſhould come out from among them, and be ſeparate;" with the promiſe of a bleſſing thereupon, that "God will receive us, will be our father, and we his ſons and daughters," ver. 17, 18. Why we ſhould ſtay with an infidel after the expenſe of all our hopes can be but for a civil relation; but why we ſhould depart from a ſeducer, ſetting aſide the miſconſtruction of this place, is from a religious neceſſity of departing. The worſe cauſe therefore of ſtaying (if it be any cauſe at all, for civil government forces it not) muſt not overtop the religious cauſe of ſeparating, executed with ſuch an urgent zeal, and ſuch a proſtrate humiliation by Ezra and Nehemiah. What God hates to join, certainly he cannot love ſhould continue joined: it being all one in matter of ill conſequence, to marry, or to continue married with an infidel, ſave only ſo long as we wait willingly, and with a ſafe hope. St. Paul therefore citing here a command of the Lord Almighty, for ſo he terms it, that we ſhould ſeparate, cannot have bound us with that which he calls his own, whether command or counſel, that we ſhould not ſeparate.

Which is the fourth reaſon, for he himſelf takes care leſt we ſhould miſtake him, "but to the reſt ſpeak I, not the Lord." If the Lord ſpake not, then man ſpake it, and man hath no lordſhip to command the conſcience: yet modern interpreters will have it a command, maugre St. Paul himſelf, they will make him a prophet like Caiaphas, to ſpeak the word of the Lord, not thinking, nay denying to think; though he diſavow to have received

it from the Lord, his word ſhall not be taken; though an apoſtle, he ſhall be borne down in his own epiſtle, by a race of expoſitors who preſume to know from whom he ſpake, better than he himſelf. Paul depoſes, that the Lord ſpeaks not this; they, that the Lord ſpeaks it: can this be leſs than to brave him with a full-faced contradiction? Certainly to ſuch a violence as this, for I cannot call it an expounding, what a man ſhould anſwer I know not, unleſs that if it be their pleaſure next to put a gag into the apoſtle's mouth, they are already furniſhed with a commodious audacity toward the attempt. Beza would ſeem to ſhun the contradictory, by telling us that the Lord ſpake it not in perſon, as he did the former precept. But how many other doctrines doth St. Paul deliver, which the Lord ſpake not in perſon, and yet never uſes this preamble but in things indifferent? So long as we receive him for a meſſenger of God, for him to ſtand ſorting ſentences, what the Lord ſpake in perſon, and what he, not the Lord in perſon, would be but a chill trifling, and his readers might catch an ague the while. But if we ſhall ſupply the grammatical ellipſis regularly, and as we muſt in the ſame tenſe, all will be then clear, for we cannot ſupply it thus, to the reſt I ſpeak, the Lord ſpake not; but I ſpeak, the Lord ſpeaks not. If then the Lord neither ſpake in perſon, nor ſpeaks it now, the apoſtle teſtifying both, it follows duly, that this can be no command. Forſooth the fear is, leſt this, not being a command, would prove an evangelic counſel, and ſo make way for ſupererogations. As if the apoſtle could not ſpeak his mind in things indifferent, as he doth in four or five ſeveral places of this chapter with the like preface of not commanding, but that the doubted inconvenience of ſupererogating muſt needs ruſh in. And how adds it to the word of the Lord, (for this alſo they object) whenas the apoſtle by his chriſtian prudence guides us in the liberty which God hath left us to, without command? Could not the Spirit of God inſtruct us by him what was free, as well as what was not? But what need I more, when Cameron an ingenuous writer, and in high eſteem, ſolidly confutes the ſurmiſe of a command here, and among other words hath theſe; that

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"when Paul ſpeaks as an apoſtle, he uſes this form," The Lord ſaith, not I, ver. 10; "but as a private man he ſaith, I ſpeak, not the Lord." And thus alſo all the prime fathers, Auſtin, Jerom, and the reſt underſtood this place.

Fifthly, The very ſtating of the queſtion declares this to be no command; "If any brother hath an unbelieving wife, and ſhe be pleaſed to dwell with him, let him not put her away." For the Greek word συνευδοκεῖ does not imply only her being pleaſed to ſtay, but his being pleaſed to let her ſtay; it muſt be a conſent of them both. Nor can the force of this word be rendered leſs, without either much negligence or iniquity of him that otherwiſe tranſlates it. And thus the Greek church alſo and their ſynods underſtood it, who beſt knew what their own language meant, as appears by Matthæus Monachus, an author ſet forth by Leunclavius, and of antiquity perhaps not inferior to Balſamon, who writes upon the canons of the apoſtles: this author in his chap. "That marriage is not to be made with heretics," thus recites the ſecond canon of the 6th ſynod: "As to the Corinthians, Paul determines; If the believing wife chooſe to live with the unbelieving huſband, or the believing huſband with the unbelieving wife. Mark," ſaith he, "how the apoſtle here condeſcends, if the believer pleaſe to dwell with the unbeliever; ſo that if he pleaſe not, out of doubt the marriage is diſſolved. And I am perſuaded it was ſo in the beginning, and thus preached." And thereupon gives an example of one, who though not deſerted, yet by the decree of Theodotus the patriarch divorced an unbelieving wife. What therefore depends in the plain ſtate of this queſtion on the conſent and well liking of them both muſt not be a command. Lay next the latter end of the 11th verſe to the 12th (for wherefore elſe is logic taught us?) in a diſcreet axiom, as it can be no other by the phraſe; "The Lord ſaith, Let not the huſband put away his wife: but I ſay, Let him not put away a miſbelieving wife." This ſounds as if by the judgment of Paul a man might put away any wife but the miſbelieving; or elſe the parts are not diſcrete, or diſſentany, for both conclude not putting away, and conſequently

in ſuch a form the propoſition is ridiculous. Of neceſſity therefore the former part of this ſentence muſt be conceived, as underſtood, and ſilently granted, that although the Lord command to divorce an infidel, yet I, not the Lord command you. No, but give my judgment, that for ſome evangelic reaſons a Chriſtian may be permitted not to divorce her. Thus while we reduce the brevity of St. Paul to a plainer ſenſe, by the needful ſupply of that which was granted between him and the Corinthians, the very logic of his ſpeech extracts him confeſſing, that the Lord's command lay in a ſeeming contrariety to this his counſel: and that he meant not to thruſt out a command of the Lord by a new one of his own, as one nail drives another, but to releaſe us from the rigour of it, by the right of the goſpel, ſo far forth as a charitable cauſe leads us in the hope of winning another ſoul without the peril of loſing our own. For this is the glory of the goſpel, to teach us that "the end of the commandment is charity," 1 Tim. i, not the drudging out a poor and worthleſs duty forced from us by the tax and tale of ſo many letters. This doctrine therefore can be no command, but it muſt contradict the moral law, the goſpel, and the apoſtle himſelf, both elſewhere and here alſo even in the act of ſpeaking.

If then it be no command, it muſt remain to be a permiſſion, and that not abſolute, for ſo it would be ſtill contrary to the law, but with ſuch a caution as breaks not the law, but as the manner of the goſpel is, fulfils it through charity. The law had two reaſons, the one was ceremonial, the pollution that all Gentiles were to the Jews; this the viſion of Peter had aboliſhed, Acts x, and cleanſed all creatures to the uſe of a Chriſtian. The Corinthians underſtood not this, but feared leſt dwelling in matrimony with an unbeliever, they were defiled. The apoſtle diſcuſſes that ſcruple with an evangelic reaſon, ſhowing them that although God heretofore under the law, not intending the converſion of the Gentiles, except ſome ſpecial ones, held them as polluted things to the Jew, yet now purpoſing to call them in, he hath purified them from that legal uncleanneſs wherein they ſtood, to uſe and to be uſed in a pure manner.

For ſaith he, "The unbelieving huſband is ſanctified by the wife, and the unbelieving wife is ſanctified by the huſband, elſe were your children unclean; but now they are holy." That is, they are ſanctified to you, from that legal impurity which you ſo fear; and are brought into a near capacity to be holy, if they believe, and to have free acceſs to holy things. In the mean time, as being God's creatures, a Chriſtian hath power to uſe them according to their proper uſe; in as much as now, "all things to the pure are become pure." In this legal reſpect therefore ye need not doubt to continue in marriage with an unbeliever. Thus others alſo expound this place, and Cameron eſpecially. This reaſon warrants us only what we may do without fear of pollution, does not bind us that we muſt. But the other reaſon of the law to divorce an infidel was moral, the avoiding of enticement from the true faith. This cannot ſhrink; but remains in as full force as ever, to ſave the actual Chriſtian from the ſnare of a miſbeliever. Yet if a Chriſtian full of grace and ſpiritual gifts, finding the miſbeliever not frowardly affected, fears not a ſeducing, but hopes rather a gaining, who ſees not that this moral reaſon is not violated by not divorcing, which the law commanded to do, but better fulfilled by the excellence of the goſpel working through charity? For neither the faithful is ſeduced, and the unfaithful is either ſaved, or with all diſcharge of love and evangelic duty, ſought to be ſaved. But contrariwiſe if the infirm Chriſtian ſhall be commanded here againſt his mind, againſt his hope, and againſt his ſtrength, to dwell with all the ſcandals, the houſehold perſecutions, or alluring temptations of an infidel, how is not the goſpel by this made harſher than the law, and more yoking? Therefore the apoſtle, ere he deliver this other reaſon why we need not in all haſte put away an infidel, his mind miſgiving him, leſt he ſhould ſeem to be the impoſer of a new command, ſtays not for method, but with an abrupt ſpeed inſerts the declaration of their liberty in this matter.

"But if the unbelieving depart, let him depart; a brother or a ſiſter is not under bondage in ſuch caſes: but God hath called us to peace."

" But if the unbelieving depart."] This cannot be reſtrained to local departure only; for who knows not that an offenſive ſociety is worſe than a forſaking? If his purpoſe of cohabitation be to endanger the life, or the conſcience, Beza himſelf is half perſuaded, that this may purchaſe to the faithful perſon the ſame freedom that a deſertion may; and ſo Gerard and others whom he cites. If therefore he depart in affection; if he depart from giving hope of his converſion; if he diſturb, or ſcoff at religion, ſeduce, or tempt; if he rage, doubtleſs not the weak only, but the ſtrong may leave him: if not for fear, yet for the dignity's ſake of religion, which cannot be liable to all baſe affronts, merely for the worſhipping of a civil marriage. I take therefore "departing" to be as large as the negative of being well pleaſed: that is, if he be not pleaſed for the preſent to live lovingly, quietly, inoffenſively, ſo as may give good hope; which appears well by that which follows.

" A brother or a ſiſter is not under bondage in ſuch caſes."] If St. Paul provide ſeriouſly againſt the bondage of a Chriſtian, it is not the only bondage to live unmarried for a deſerting infidel, but to endure his preſence intolerably, to bear indignities againſt his religion in words or deeds, to be wearied with ſeducements, to have idolatries and ſuperſtitions ever before his eyes, to be tormented with impure and prophane converſation; this muſt needs be bondage to a Chriſtian: is this left all unprovided for, without remedy, or freedom granted? Undoubtedly no; for the apoſtle leaves it further to be conſidered with prudence, what bondage a brother or ſiſter is not under, not only in this caſe, but as he ſpeaks himſelf plurally, " in ſuch caſes."

" But God hath called us to peace."] To peace, not to bondage, not to brabbles and contentions with him who is not pleaſed to live peaceably, as marriage and chriſtianity require. And where ſtrife ariſes from a cauſe hopeleſs to be allayed, what better way to peace than by ſeparating that which is ill joined? It is not divorce that firſt breaks the peace of a family, as ſome fondly comment on this place, but it is peace already broken, which, when other cures fail, can only be reſtored to the faultleſs

perſon by a neceſſary divorce. And St. Paul here warrants us to ſeek peace, rather than to remain in bondage. If God hath called us to peace, why ſhould we not follow him? why ſhould we miſerably ſtay in perpetual diſcord under a ſervitude not required?

"For what knoweſt thou, O wife, whether thou ſhalt ſave thy huſband," &c.] St. Paul having thus cleared himſelf, not to go about the mining of our chriſtian liberty, not to caſt a ſnare upon us, which to do he ſo much hated, returns now to the ſecond reaſon of that law, to put away an infidel for fear of ſeducement, which he does not here contradict with a command now to venture that; but if neither the infirmity of the chriſtian, nor the ſtrength of the unbeliever be feared, but hopes appearing that he may be won, he judges it no breaking of that law, though the believer be permitted to forbear divorce, and can abide, without the peril of ſeducement, to offer the charity of a ſalvation to wife or huſband, which is the fulfilling, not the tranſgreſſing of that law; and well worth the undertaking with much hazard and patience. For what knoweſt thou whether thou ſhalt ſave thy wife that is, till all means convenient and poſſible with diſcretion and probability, as human things are, have been uſed. For Chriſt himſelf ſends not our hope on pilgrimage to the world's end; but ſets it bounds, beyond which we need not wait on a brother, much leſs on an infidel. If after ſuch a time we may count a profeſſing Chriſtian no better than a Heathen, after leſs time perhaps we may ceaſe to hope of a Heathen, that he will turn Chriſtian. Otherwiſe, to bind us harder than the law, and tell us we are not under bondage, is mere mockery. If, till the unbeliever pleaſe to part, we may not ſtir from the houſe of our bondage, then certain this our liberty is not grounded in the purchaſe of Chriſt, but in the pleaſure of a miſcreant. What knows the loyal huſband, whether he may not ſave the adultereſs? he is not therefore bound to receive her. What knows the wife, but ſhe may reclaim her huſband who hath deſerted her? Yet the reformed churches do not enjoin her to wait longer than after the contempt of an eccleſiaſtical ſummons. Beza himſelf here befriends us with a remarkable

ſpeech, "What could be firmly conſtituted in humane matters, if under pretence of expecting grace from above, it ſhould be never lawful for us to ſeek our right?" And yet in other caſes not leſs reaſonable to obtain a moſt juſt and needful remedy by divorce, he turns the innocent party to a taſk of prayers beyond the multitude of beads and roſaries, to beg the gift of chaſtity in recompenſe of an injurious marriage. But the apoſtle is evident enough, "we are not under bondage;" truſting that he writes to thoſe who are not ignorant what bondage is, to let ſupercilious determiners cheat them of their freedom. God hath called us to peace, and ſo doubtleſs hath left in our hands how to obtain it ſeaſonably: if it be not our own choice to ſit ever like novices wretchedly ſervile.

Thus much the apoſtle in this queſtion between chriſtian and pagan, to us now of little uſe; yet ſuppoſing it written for our inſtruction, as it may be rightly applied, I doubt not but that the difference between a true believer and a heretic, or any one truly religious either deſerted or ſeeking divorce from any one groſsly erroneous or prophane, may be referred hither. For St. Paul leaves us here the ſolution not of this caſe only, which little concerns us, but of ſuch like caſes, which may occur to us. For where the reaſons directly ſquare, who can forbid why the verdict ſhould not be the ſame? But this the common writers allow us not. And yet from this text, which in plain words give liberty to none, unleſs deſerted by an infidel, they collect the ſame freedom, though the deſertion be not for religion, which, as I conceive, they need not do; but may, without ſtraining, reduce it to the cauſe of fornication. For firſt, they confeſs that deſertion is ſeldom without a juſt ſuſpicion of adultery: next, it is a breach of marriage in the ſame kind, and in ſome ſort worſe: for adultery, though it give to another, yet it bereaves not all; but the deſerter wholly denies all right, and makes one fleſh twain, which is counted the abſoluteſt breach of matrimony, and cauſes the other, as much as in him lies, to commit ſin, by being ſo left. Nevertheleſs, thoſe reaſons, which they bring of eſtabliſhing by this place the like liberty from any deſertion, are fair and ſolid: and if the thing be lawful, and

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can be proved ſo, more ways than one, ſo much the ſafer. Their arguments I ſhall here recite, and that they may not come idle, ſhall uſe them to make good the like freedom to divorce for other cauſes; and that we are no more under bondage to any heinous default againſt the main ends of matrimony, than to a deſertion: firſt they allege that 1 to Tim. v. 8, "If any provide not for thoſe of his own houſe, he hath denied the faith, and is worſe than an infidel." But a deſerter, ſay they, "can have no care of them who are moſt his own; therefore the deſerted party is not leſs to be righted againſt ſuch a one, than againſt an infidel." With the ſame evidence I argue, that man or wife, who hates in wedlock, is perpetually unſociable, unpeaceful, or unduteous, either not being able, or not willing to perform what the main ends of marriage demand in help and ſolace, cannot be ſaid to care for who ſhould be deareſt in the houſe; therefore is worſe than an infidel in both regards, either in undertaking a duty which he cannot perform, to the undeſerved and unſpeakable injury of the other party ſo defrauded and betrayed, or not performing what he hath undertaken, whenas he may or might have, to the perjury of himſelf, more irreligious than heatheniſm. The blameleſs perſon therefore hath as good a plea to ſue out his delivery from this bondage, as from the deſertion of an infidel. Since moſt writers cannot but grant that deſertion is not only a local abſence, but an intolerable ſociety; or if they grant it not, the reaſons of St. Paul grant it, with as much leave as they grant to enlarge a particular freedom from paganiſm, into a general freedom from any deſertion. Secondly, they reaſon from the likeneſs of either fact, "the ſame loſs redounds to the deſerted by a chriſtian, as by an infidel, the ſame peril of temptation." And I in like manner affirm, that if honeſt and free perſons may be allowed to know what is moſt to their own loſs, the ſame loſs and diſcontent, but worſe diſquiet, with continual miſery and temptation, reſides in the company, or better called the perſecution of an unfit, or an unpeaceable conſort, than by his deſertion. For then the deſerted may enjoy himſelf at leaſt. And he who deſerts is more favourable to the party whom

whom his preſence afflicts, than that importunate thing, which is and will be ever converſant before the eyes, a loyal and individual vexation. As for thoſe who ſtill rudely urge it no loſs to marriage, no deſertion, ſo long as the fleſh is preſent, and offers a benevolence that hates, or is juſtly hated; I am not of that vulgar and low perſuaſion, to think ſuch forced embracements as theſe worth the honour, or the humanity of marriage, but far beneath the ſoul of a rational and freeborn man. Thirdly, they ſay "It is not the infidelity of the deſerter, but the deſertion of the infidel, from which the apoſtle gives this freedom:" and I join, that the apoſtle could as little require our ſubjection to an unfit and injurious bondage preſent, as to an infidel abſent. To free us from that which is an evil by being diſtant, and not from that which is an inmate, and in the boſom evil, argues an improvident and careleſs deliverer. And thus all occaſions, which way ſoever they turn, are not unofficious to adminiſter ſomething which may conduce to explain, or to defend the aſſertion of this book touching divorce. I complain of nothing, but that it is indeed too copious to be the matter of a diſpute, or a defence, rather to be yielded, as in the beſt ages, a thing of common reaſon, not of controverſy. What have I left to ſay? I fear to be more elaborate in ſuch a perſpicuity as this; leſt I ſhould ſeem not to teach, but to upbraid the dulneſs of an age; not to commune with reaſon in men, but to deplore the loſs of reaſon from among men: this only, and not the want of more to ſay, is the limit of my diſcourſe.

Who among the fathers have interpreted the words of Chriſt concerning divorce, as is here interpreted; and what the civil law of chriſtian emperors in the primitive church determined.

Although teſtimony be in logic an argument rightly called "inartificial," and doth not ſolidly fetch the truth by multiplicity of authors, nor argue a thing falſe by the few that hold ſo; yet ſeeing moſt men from their youth ſo accuſtom, as not to ſcan reaſon, nor clearly to apprehend it, but to truſt for that the names and numbers of ſuch,

ſuch, as have got, and many times undeſervedly, the reputation among them to know much; and becauſe there is a vulgar alſo of teachers, who are as blindly by whom they fancy led, as they lead the people, it will not be amiſs for them who had rather liſt themſelves under this weaker ſort, and follow authorities, to take notice that this opinion, which I bring, hath been favoured, and by ſome of thoſe affirmed, who in their time were able to carry what they taught, had they urged it, through all Chriſtendom; or to have left it ſuch a credit with all good men, as they who could not boldly uſe the opinion, would have feared to cenſure it. But ſince by his appointment on whom the times and ſeaſons wait, every point of doctrine is not fatal to be thoroughly ſifted out in every age; it will be enough for me to find, that the thoughts of wiſeſt heads heretofore, and hearts no leſs reverenced for devotion, have tended this way, and contributed their lot in ſome good meaſure towards this which hath been here attained. Others of them, and modern eſpecially, have been as full in the aſſertion, though not ſo full in the reaſon; ſo that either in this regard, or in the former, I ſhall be manifeſt in a middle fortune to meet the praiſe or diſpraiſe of being ſomething firſt.

But I defer not what I undertook to ſhow, that in the church both primitive and reformed, the words of Chriſt have been underſtood to grant divorce for other cauſes than adultery; and that the word Fornication in marriage hath a larger ſenſe than that commonly ſuppoſed.

Juſtin Martyr in his firſt Apology, written within fifty years after St. John died, relates a ſtory which Euſebius tranſcribes, that a certain matron of Rome, the wife of a vicious huſband, herſelf alſo formerly vicious, but converted to the faith, and perſuading the ſame to her huſband, at leaſt the amendment of his wicked life; upon his not yielding to her daily entreaties and perſuaſions in this behalf, procured by law to be divorced from him. This was neither for adultery, nor deſertion, but as the relation ſays, "eſteeming it an ungodly thing to be the conſort of bed with him, who againſt the law of nature

nature and of right ſought out voluptuous ways." Suppoſe he endeavoured ſome unnatural abuſe, as the Greek admits that meaning, it cannot yet be called adultery; it therefore could be thought worthy of divorce no otherwiſe than as equivalent, or worſe; and other vices will appear in other reſpects as much divorcive. Next, it is ſaid her friends adviſed her to ſtay a while; and what reaſon gave they? not becauſe they held unlawful what ſhe purpoſed, but becauſe they thought ſhe might longer yet hope his repentance. She obeyed, till the man going to Alexandria, and from thence reported to grow ſtill more impenitent, not for any adultery or deſertion, whereof neither can be gathered, but ſaith the Martyr, and ſpeaks it like one approving, "leſt ſhe ſhould be partaker of his unrighteous and ungodly deeds, remaining in wedlock, the communion of bed and board with ſuch a perſon, ſhe left him by a lawful divorce." This cannot but give us the judgment of the church in thoſe pure and next to apoſtolic times. For how elſe could the woman have been permitted, or here not reprehended? and if a wife might then do this without reproof, a huſband certainly might no leſs, if not more.

Tertullian in the ſame age, writing his fourth Book againſt Marcion, witneſſes "that Chriſt, by his anſwer to the phariſees, protected the conſtitution of Moſes as his own, and directed the inſtitution of the Creator," for I alter not his Carthaginian phraſe; "he excuſed rather than deſtroyed the conſtitution of Moſes; I ſay, he forbid conditionally, if any one therefore put away, that he may marry another: ſo that if he prohibited conditionally, then not wholly: and what he forbad not wholly, he permitted otherwiſe, where the cauſe ceaſes for which he prohibited:" that is, when a man makes it not the cauſe of his putting away, merely that he may marry again. "Chriſt teaches not contrary to Moſes, the juſtice of divorce hath Chriſt the aſſerter: he would not have marriage ſeparate, nor kept with ignominy, permitting then a divorce;" and gueſſes that this vehemence of our Saviour's ſentence was chiefly bent againſt Herod, as was cited before. Which leaves it evident how Tertullian interpreted this prohibition of our Saviour:

Saviour: for whereas the text is, "Whoſoever putteth away, and marrieth another;" wherefore ſhould Tertullian explain it, "Whoſoever putteth away that he may marry another," but to ſignify his opinion, that our Saviour did not forbid divorce from an unworthy yoke, but forbid the malice or the luſt of a needleſs change, and chiefly thoſe plotted divorces then in uſe?

Origen in the next century teſtifies to have known certain who had the government of churches in his time, who permitted ſome to marry, while yet their former huſbands lived, and excuſes the deed, as done "not without cauſe, though without ſcripture," which confirms that cauſe not to be adultery; for how then was it againſt ſcripture that they married again? And a little beneath, for I cite his ſeventh homily on Matthew, ſaith he, "to endure faults worſe than adultery and fornication, ſeems a thing unreaſonable;" and diſputes therefore that Chriſt did not ſpeak by "way of precept, but as it were expounding." By which and the like ſpeeches, Origen declares his mind, far from thinking that our Saviour confined all the cauſes of divorce to actual adultery.

Lactantius, of the age that ſucceeded, ſpeaking of this matter in the 6th of his "Inſtitutions," hath theſe words: "But leſt any think he may circumſcribe divine precepts, let this be added, that all miſinterpreting, and occaſion of fraud or death may be removed, he commits adultery who marries the divorced wife; and beſides the crime of adultery, divorces a wife that he may marry another." To divorce and marry another, and to divorce that he may marry another, are two different things; and imply that Lactantius thought not this place the forbidding of all neceſſary divorce, but ſuch only as proceeded from the wanton deſire of a future choice, not from the burden of a preſent affliction.

About this time the council of Eliberis in Spain decreed the huſband excommunicate, "if he kept his wife being an adultereſs; but if he left her, he might after ten years be received into communion, if he retained her any while in his houſe after the adultery known." The council of Neocæſaria, in the year 314, decreed, That if the

the wife of any laic were convicted of adultery, that man could not be admitted into the miniſtry: if after ordination it were committed, he was to divorce her; if not he could not hold his miniſtry. The council of Nantes condemned in ſeven years penance the huſband, that would reconcile with an adultereſs. But how proves this that other cauſes may divorce? It proves thus: There can be but two cauſes why theſe councils enjoined ſo ſtrictly the divorcing of an adultereſs, either as an offender againſt God, or againſt the huſband; in the latter reſpect they could not impoſe on him to divorce; for every man is the maſter of his own forgiveneſs; who ſhall hinder him to pardon the injuries done againſt himſelf? It follows therefore, that the divorce of an adultereſs was commanded by theſe three councils, as it was a ſin againſt God; and by all conſequence they could not but believe that other ſins as heinous might with equal juſtice be the ground of a divorce.

Baſil in his 73d rule, as Chamier numbers it, thus determines; "That divorce ought not to be, unleſs for adultery, or the hinderance to a godly life." What doth this but proclaim aloud more cauſes of divorce than adultery, if by other ſins beſides this, in wife or huſband, the godlineſs of the better perſon may be certainly hindered and endangered?

Epiphanius no leſs ancient, writing againſt heretics, and therefore ſhould himſelf be orthodoxal above others, acquaints us in his ſecond book, Tom. 1, not that his private perſuaſion was, but that the whole church in his time generally thought other cauſes of divorce lawful beſides adultery, as comprehended under that name: "If," ſaith he, a divorce happen for any cauſe, either fornication or adultery, or any heinous fault, the word of God blames not either the man or wife marrying again, nor cuts them off from the congregation, or from life, but bears with the infirmity; not that he may keep both wives, but that leaving the former he may be lawfully joined to the latter: the holy word, and the holy church of God commiſerates this man, eſpecially if he be otherwiſe of good converſation, and live according to

to God's law." This place is clearer than expoſition, and needs no comment.

Ambroſe, on the 16th of Luke, teaches "that all wedlock is not God's joining:" and to the xixth of Prov. "That a wife is prepared of the Lord," as the old Latin tranſlates it, he anſwers, that the Septuagint renders it, "a wife is fitted by the Lord, and tempered to a kind of harmony; and where that harmony is, there God joins; where it is not, there diſſenſion reigns, which is not from God, for God is love." This he brings to prove the marrying of Chriſtian with Gentile to be no marriage, and conſequently divorced without ſin: but he who ſees not this argument how plainly it ſerves to divorce any untunable, or unatonable matrimony, ſees little. On the firſt to the Cor. vii, he grants a woman may leave her huſband not only for fornication, "but for apoſtacy, and inverting nature, though not marry again; but the man may:" here are cauſes of divorce aſſigned other than adultery. And going on, he affirms, "that the cauſe of God is greater than the cauſe of matrimony; that the reverence of wedlock is not due to him who hates the author thereof; that no matrimony is firm without devotion to God; that diſhonour done to God acquits the other being deſerted from the bond of matrimony; that the faith of marriage is not to be kept with ſuch." If theſe contorted ſentences be aught worth, it is not the deſertion that breaks what is broken, but the impiety; and who then may not for that cauſe better divorce, than tarry to be deſerted? or theſe grave ſayings of St. Ambroſe are but knacks.

Jerom on the 19th of Matthew explains, that for the cauſe of fornication, or the "ſuſpicion thereof, a man may freely divorce." What can breed that ſuſpicion, but ſundry faults leading that way? By Jerom's conſent therefore divorce is free not only for actual adultery, but for any cauſe that may incline a wiſe man to the juſt ſuſpicion thereof.

Auſtin alſo muſt be remembered among thoſe who hold, that this inſtance of fornication gives equal inference to other faults equally hateful, for which to divorce: and

and therefore in his books to Pollentius he diſputes, " that infidelity, as being a greater ſin than adultery, ought ſo much the rather cauſe a divorce." And on the ſermon on the mount, under the name of fornication will have " idolatry, or any harmful ſuperſtition" contained, which are not thought to diſturb matrimony ſo directly as ſome other obſtinacies and diſaffections, more againſt the daily duties of that covenant, and in the Eaſtern tongues not unfrequently called fornication, as hath been ſhown; " Hence is underſtood," ſaith he, " that not only for bodily fornication, but for that which draws the mind from God's law, and foully corrupts it, a man may without fault put away his wife, and a wife her huſband; becauſe the Lord excepts the cauſe of fornication, which fornication we are conſtrained to interpret in a general ſenſe." And in the firſt book of his " Retractations," chap. 16, he retracts not this his opinion, but commends it to ſerious conſideration; and explains that he counted not there all ſin to be fornication, but the more deteſtable ſort of ſins. The cauſe of fornication therefore is not in this diſcourſe newly interpreted to ſignify other faults infringing the duties of wedlock, beſides adultery.

Laſtly, the council of Agatha in the year 506, Can. 25, decreed, that " if laymen who divorced without ſome great fault, or giving no probable cauſe, therefore divorced, that they might marry ſome unlawful perſon, or ſome other man's, if before the provincial biſhops were made acquainted, or judgment paſſed, they preſumed this, excommunication was the penalty." Whence it follows, that if the cauſe of divorce were ſome great offence, or that they gave probable cauſes for what they did, and did not therefore divorce, that they might preſume with ſome unlawful perſon, or what was another man's, the cenſure of church in thoſe days did not touch them.

Thus having alleged enough to ſhow, after what manner the primitive church for above 500 years underſtood our Saviour's words touching divorce, I ſhall now, with a labour leſs diſperſed, and ſooner diſpatched, bring under view what the civil law of thoſe times conſtituted about

about this matter: I ſay the civil law, which is the honour of every true civilian to ſtand for, rather than to count that for law, which the pontifical canon had enthralled them to, and inſtead of interpreting a generous and elegant law, made them the drudges of a blockiſh Rubric.

Theodoſius and Valentinian, pious emperors both, ordained that "as by conſent lawful marriages were made, ſo by conſent, but not without the bill of divorce, they might be diſſolved; and to diſſolve was the more difficult, only in favour of the children." We ſee the wiſdom and piety of that age, one of the pureſt and learnedeſt ſince Chriſt, conceived no hinderance in the words of our Saviour, but that a divorce, mutually conſented, might be ſuffered by the law, eſpecially if there were no children, or if there were, careful proviſion was made. And further ſaith that law (ſuppoſing there wanted the conſent of either,) "We deſign the cauſes of divorce by this moſt wholeſome law; for as we forbid the diſſolving of marriage without juſt cauſe, ſo we deſire that a huſband or a wife diſtreſſed by ſome adverſe neceſſity, ſhould be freed though by an unhappy, yet a neceſſary relief." What dram of wiſdom or religion (for charity is the trueſt religion) could there be in that knowing age, which is not virtually ſummed up in this moſt juſt law? As for thoſe other chriſtian emperors, from Conſtantine the firſt of them, finding the Roman law in this point ſo anſwerable to the Moſaic, it might be the likelieſt cauſe why they altered nothing to reſtraint; but if aught, rather to liberty, for the help and conſideration of the weaker ſex, according as the goſpel ſeems to make the wife more equal to her huſband in theſe conjugal reſpects, than the law of Moſes doth. Therefore "if a man were abſent from his wife four years, and in that ſpace not heard of, though gone to war in the ſervice of the empire," ſhe might divorce, and marry another by the edict of Conſtantine to Dalmatius, Cod. l. 5, tit. 17. And this was an age of the church, both ancient and cried up ſtill for the moſt flouriſhing in knowledge and pious governmeht ſince the apoſtles. But to return to this law of Theodoſius, with this obſervation

by the way, that ſtill as the church corrupted, as the clergy grew more ignorant, and yet more uſurping on the magiſtrate, who alſo now declined, ſo ſtill divorce grew more reſtrained; though certainly if better times permitted the thing that worſe times reſtrained, it would not weakly argue that the permiſſion was better, and the reſtraint worſe. This law therefore of Theodoſius, wiſer in this than the moſt of his ſucceſſors, though no wiſer than God and Moſes, reduced the cauſes of divorce to a certain number, which by the judicial law of God, and all recorded humanity, were left before to the breaſt of each huſband, provided that the diſmiſs was not without reaſonable conditions to the wife. But this was a reſtraint not yet come to extremes. For beſides adultery, and that not only actual, but ſuſpected by many ſigns there ſet down, any fault equally puniſhable with adultery, or equally infamous, might be the cauſe of a divorce. Which informs us how the wiſeſt of thoſe ages underſtood that place in the goſpel, whereby not the pilfering of a benevolence was conſidered as the main and only breach of wedlock, as is now thought, but the breach of love and peace, a more holy union than that of the fleſh; and the dignity of an honeſt perſon was regarded, not to be held in bondage with one whoſe ignominy was infectious. To this purpoſe was conſtituted Cod. l. 5, tit. 17, and Authent. collat. 4, tit. i. Novell. 22, where Juſtinian added three cauſes more. In the 117 Novell. moſt of the ſame cauſes are allowed, but the liberty of divorcing by conſent is repealed: but by whom? by Juſtinian, not a wiſer, not a more religious emperor than either of the former, but noted by judicious writers for his fickle head in making and unmaking laws; and how Procopius, a good hiſtorian, and a counſellor of ſtate then living, deciphers him in his other actions, I willingly omit. Nor was the church then in better caſe, but had the corruption of a hundred declining years ſwept on it, when the ſtatute of "Conſent" was called in; which, as I ſaid, gives us every way more reaſon to ſuſpect this reſtraint, more than that liberty: which therefore in the reign of Juſtin, the ſucceeding emperor, was recalled, Novell. 140, and eſtabliſhed with a preface more wiſe and chriſtianly

tianly than for thoſe times, declaring the neceſſity to reſtore that Theodoſian law, if no other means of reconcilement could be found. And by whom this law was abrogated, or how long after, I do not find; but that thoſe other cauſes remained in force as long as the Greek empire ſubſiſted, and were aſſented to by that church, is to be read in the canons and edicts compared by Photius the patriarch, with the avertiments of Balſamon and Matthæus Monachus thereon.

But long before thoſe days, Leo, the ſon of Baſilius Macedo, reigning about the year 886, and for his excellent wiſdom ſurnamed the "Philoſopher," conſtituted, "that in caſe of madneſs, the huſband might divorce after three years, the wife after five." Conſtit. Leon. 111, 112. This declares how he expounded our Saviour, and derived his reaſons from the inſtitution, which in his preface with great eloquence are ſet down; whereof a paſſage or two may give ſome proof, though better not divided from the reſt. "There is not," ſaith he, "a thing more neceſſary to preſerve mankind, than the help given him from his own rib; both God and nature ſo teaching us: which doing ſo, it was requiſite that the providence of law, or if any other care be to the good of man, ſhould teach and ordain thoſe things which are to the help and comfort of married perſons, and confirm the end of marriage purpoſed in the beginning, not thoſe things which afflict and bring perpetual miſery to them." Then anſwers the objection, that they are one fleſh; "If matrimony had held ſo as God ordained it, he were wicked that would diſſolve it. But if we reſpect this in matrimony, that it be contracted to the good of both, how ſhall he, who for ſome great evil feared, perſuades not to marry though contracted, not perſuade to unmarry, if after marriage a calamity befall? Should we bid beware leſt any fall into an evil, and leave him helpleſs who by human errour is fallen therein? This were as if we ſhould uſe remedies to prevent a diſeaſe, but let the ſick die without remedy." The reſt will be worth reading in the author.

And thus we have the judgment firſt of primitive fathers; next of the imperial law not diſallowed by the univerſal church in ages of her beſt authority; and laſtly,

of the whole Greek church and civil ſtate, incorporating their canons and edicts together, that divorce was lawful for other cauſes equivalent to adultery, contained under the word fornication. So that the expoſition of our Saviour's ſentence here alleged hath all theſe ancient and great aſſerters; is therefore neither new nor licentious, as ſome would perſuade the commonalty; although it be nearer truth that nothing is more new than thoſe teachers themſelves, and nothing more licentious than ſome known to be, whoſe hypocriſy yet ſhames not to take offence at this doctrine for licence; whenas indeed they fear it would remove licence, and leave them but few companions.

That the pope's canon law, encroaching upon civil magiſtracy, aboliſhed all divorce even for adultery. What the reformed divines have recovered; and that the famouſeſt of them have taught according to the aſſertion of this book.

But in theſe weſtern parts of the empire, it will appear almoſt unqueſtionable, that the cited law of Theodoſius and Valentinian ſtood in force until the blindeſt and corrupteſt times of popedom diſplaced it. For, that the volumes of Juſtinian never came into Italy, or beyond Illyricum, is the opinion of good antiquaries. And that only manuſcript thereof found in Apulia, by Lotharius the Saxon, and given to the ſtates of Piſa, for their aid at ſea againſt the Normans of Sicily, was received as a rarity not to be matched. And although the Goths, and after them the Lombards and Franks, who overrun the moſt of Europe, except this iſland, (unleſs we make our Saxons and Normans a limb of them) brought in their own cuſtoms, yet that they followed the Roman laws in their contracts and marriages, Agathias the hiſtorian is alleged. And other teſtimonies relate, that Alaricus and Theodoric, their kings, writ their ſtatutes out of this Theodoſian code, which hath the recited law of divorce. Nevertheleſs, while the monarchs of Chriſtendom were yet barbarous, and but half-chriſtian, the popes took this advantage of their weak ſuperſtition, to raiſe a corpulent law out of the canons and decretals of audacious prieſts; and preſumed

alſo

alſo to ſet this in the front: "That the conſtitutions of princes are not above the conſtitutions of clergy, but beneath them." Uſing this very inſtance of divorce as the firſt prop of their tyranny; by a falſe conſequence drawn from a paſſage of Ambroſe upon Luke, where he ſaith, though "Man's law grant it, yet God's law prohibits it:" whence Gregory the pope, writing to Theoctiſta, infers that eccleſiaſtical courts cannot be diſſolved by the magiſtrate. A fair concluſion from a double errour. Firſt, in ſaying that the divine law prohibited divorce: (for what will he make of Moſes?) Next, ſuppoſing that it did, how will it follow, that whatever Chriſt forbids in his evangelic precepts, ſhould be haled into a judicial conſtraint againſt the pattern of a divine law? Certainly the goſpel came not to enact ſuch compulſions. In the mean while we may note here, that the reſtraint of divorce was one of the firſt fair ſeeming pleas which the Pope had, to ſtep into ſecular authority, and with his antichriſtian rigour to aboliſh the permiſſive law of chriſtian princes conforming to a ſacred lawgiver. Which if we conſider, this papal and unjuſt reſtriction of divorce need not be ſo dear to us, ſince the plauſible reſtraining of that was in a manner the firſt looſening of Antichriſt, and, as it were, the ſubſtance of his eldeſt horn. Nor do we leſs remarkably owe the firſt means of his fall here in England, to the contemning of that reſtraint by Henry the VIII, whoſe divorce he oppoſed. Yet was not that rigour executed anciently in ſpiritual courts, until Alexander the IIId, who trod upon the neck of Frederic Barbaroſſa the emperor, and ſummoned our Henry IId into Normandy, about the death of Becket. He it was, that the worthy author may be known, who firſt actually repealed the imperial law of divorce, and decreed this tyrannous decree, that matrimony for no cauſe ſhould be diſſolved, though for many cauſes it might ſeparate; as may be ſeen Decret. Gregor. l. 4, tit. 19, and in other places of the canonical tomes. The main good of which invention, wherein it conſiſts, who can tell? but that it hath one virtue incomparable, to fill all Chriſtendom with whoredoms and adulteries, beyond the art of Balaams, or of devil.

Yet neither can theſe, though ſo perverſe, but acknowledge that the words of Chriſt, under the name of fornication, allow putting away for other cauſes than adultery, both from "bed and board," but not from the "bond;" their only reaſon is, becauſe marriage they believe to be a "ſacrament." But our divines, who would ſeem long ſince to have renounced that reaſon, have ſo forgot themſelves, as yet to hold the abſurdity, which but for that reaſon, unleſs there be ſome myſtery of Satan in it, perhaps the papiſt would not hold. It is true, we grant divorce for actual and proved adultery, and not for leſs than many tedious and unrepairable years of deſertion, wherein a man ſhall loſe all his hope of poſterity, which great and holy men have bewailed, ere he can be righted; and then perhaps on the confines of his old age, when all is not worth the while. But grant this were ſeaſonably done; what are theſe two caſes to many other, which afflict the ſtate of marriage as bad, and yet find no redreſs? What hath the ſoul of man deſerved, if it be in the way of ſalvation, that it ſhould be mortgaged thus, and may not redeem itſelf according to conſcience out of the hands of ſuch ignorant and ſlothful teachers as theſe, who are neither able nor mindful to give due tendance to that precious cure which they raſhly undertake; nor have in them the noble goodneſs, to conſider theſe diſtreſſes and accidents of man's life, but are bent rather to fill their mouths with tithe and oblation? Yet if they can learn to follow, as well as they can ſeek to be followed, I ſhall direct them to a fair number of renowned men, worthy to be their leaders, who will commend to them a doctrine in this point wiſer than their own; and if they be not impatient, it will be the ſame doctrine which this treatiſe hath defended.

Wickliff, that Engliſhman honoured of God to be the firſt preacher of a general reformation to all Europe, was not in this thing better taught of God, than to teach among his chiefeſt recoveries of truth, "that divorce is lawful to the Chriſtian for many other cauſes equal to adultery." This book indeed, through the poverty of our libraries, I am forced to cite from "Arniſæus

" Arniſæus of Halberſtad on the Rite of Marriage," who cites it from Coraſius of Toulouſe, c. 4, Cent. Sect. and he from Wickliff, l. 4, Dial. c. 21. So much the forrier, for that I never looked into an author cited by his adverſary upon this occaſion, but found him more conducible to the queſtion than his quotation rendered him.

Next, Luther, how great a ſervant of God! in his book of " Conjugal Life" quoted by Gerard out of the Dutch, allows divorce for the obſtinate denial of conjugal duty; and " that a man may ſend away a proud Vaſhti, and marry an Eſther in her ſtead." It ſeems, if this example ſhall not be impertinent, that Luther meant not only the refuſal of benevolence, but a ſtubborn denial of any main conjugal duty; or if he did not, it will be evinced from what he allows. For out of queſtion, with men that are not barbarous, love and peace, and fitneſs, will be yielded as eſſential to marriage, as corporal benevolence. Though I give my body to be burnt," ſaith St. Paul, " and have not charity, it profits me nothing." So though the body proſtitute itſelf to whom the mind affords no other love or peace, but conſtant malice and vexation, can this bodily benevolence deſerve to be called a marriage between Chriſtians and rational creatures?

Melanćthon, the third great luminary of reformation, in his book " concerning Marriage," grants divorce for cruel uſage, and danger of life, urging the authority of that Theodoſian law, which he eſteems written with the grave deliberation of godly men; " and that they who reject this law, and think it diſagreeing from the goſpel, underſtand not the difference of law and goſpel; that the magiſtrate ought not only to defend life, but to ſuccour the weak conſcience; leſt, broke with grief and indignation, it relinquiſh prayer, and turn to ſome unlawful thing." What if this heavy plight of deſpair ariſe from other diſcontents in wedlock, which may go to the ſoul of a good man more than the danger of his life, or cruel uſing, which a man cannot be liable to? ſuppoſe it be ingrateful uſage, ſuppoſe it be perpetual ſpight and diſobedience, ſuppoſe a hatred; ſhall not the

magiſtrate free him from this diſquiet which interrupts his prayers, and diſturbs the courſe of his ſervice to God and his country all as much, and brings him ſuch a miſery, as that he more deſires to leave his life, than fears to loſe it? Shall not this equally concern the office of civil protection, and much more the charity of a true church to remedy?

Eraſmus, who for learning was the wonder of his age, both in his Notes on Matthew, and on the firſt to the Corinthians, in a large and eloquent diſcourſe, and in his anſwer to Phimoſtomus, a papiſt, maintains (and no proteſtant then living contradicted him) that the words of Chriſt comprehend many other cauſes of divorce under the name of fornication.

Bucer, (whom our famous Dr. Rainolds was wont to prefer before Calvin) in his comment on Matthew, and in his ſecond book "of the Kingdom of Chriſt," treats of divorce at large, to the ſame effect as is written in "the Doctrine and Diſcipline of Divorce" lately publiſhed, and the tranſlation is extant: whom, leſt I ſhould be thought to have wreſted to mine own purpoſe, take ſomething more out of his 49th chapter, which I then for brevity omitted. "It will be the duty of pious princes, and all who govern church or commonwealth, if any, whether huſband or wife, ſhall affirm their want of ſuch, who either will or can tolerably perform the neceſſary duties of married life, to grant that they may ſeek them ſuch, and marry them; if they make it appear that ſuch they have not." This book he wrote here in England, where he lived the greateſt admired man; and this he dedicated to Edward the VIth.

Fagius, ranked among the famous divines of Germany, whom Frederic, at that time the Palatine, ſent for to be the reformer of his dominion, and whom afterwards England ſought to, and obtained of him to come and teach her, differs not in this opinion from Bucer, as his notes on the Chaldee Paraphraſt well teſtify.

The whole Church of Straſburgh in her moſt flouriſhing time, when Zellius, Hedio, Capito, and other great divines taught there, and thoſe two renowned magiſtrates, Farrerus and Sturmius, governed that common-

ealth and academy to the admiration of all Germany. ath thus in the 21ſt article: "We teach, that if according to the word of God, yea, or againſt it, divorces appen, to do according to God's word, Deut. xxiv, 1, Mat. xix, 1 Cor. vii, and the obſervation of the priitive church, and the chriſtian conſtitution of pious æſars."

Peter Martyr ſeems in word our eaſy adverſary, but indeed for us: toward which, though it be ſomething hen he ſaith of this opinion, "that it is not wicked, nd can hardly be refuted," this which follows is much ore; "I ſpeak not here," ſaith he, "of natural imediments, which may ſo happen, that the matrimony an no longer hold:" but adding, that he often wonered, "how the ancient and moſt chriſtian emperors ſtabliſhed thoſe laws of divorce, and neither Ambroſe, ho had ſuch influence upon the laws of Theodoſius, or any of thoſe holy fathers found fault, nor any of he churches, why the magiſtrates of this day ſhould be o loth to conſtitute the ſame. Perhaps they fear an undation of divorces, which is not likely; whenas we ead not either among the Hebrews, Greeks, or Romans, that they were much frequent where they were oſt permitted. If they judge chriſtian men worſe than ews or Pagans, they both injure that name, and by this eaſon will be conſtrained to grant divorces the rather; ecauſe it was permitted as a remedy of evil, for who ould remove the medicine, while the diſeaſe is yet ſo ife?" This being read both in "his Commonplaces," nd on the firſt to the Corinthians, with what we ſhall elate more of him yet ere the end, ſets him abſolutely n this ſide. Not to inſiſt that in both theſe, and other laces of his commentaries, he grants divorce not only or deſertion, but for the ſeducement and ſcandalous emeanour of an heretical conſort.

Muſculus, a divine of no obſcure fame, diſtinguiſhes etween the religious and the civil determination of livorce; and leaving the civil wholly to the lawyers, pronounces a conſcionable divorce for impotence not only natural, but accidental, if it be durable. His equity t ſeems, can enlarge the words of Chriſt to one cauſe more

more than adultery; why may not the reaſon of another man as wife enlarge them to another cauſe?

Gualter of Zuric, a well-known judicious commentator, in his homilies on Matthew, allows divorce for "leproſy, or any other cauſe which renders unfit for wedlock," and calls this rather "a nullity of marriage than a divorce." And who, that is not himſelf a mere body, can reſtrain all the unfitneſs of marriage only to a corporeal defect?

Hemingius, an author highly eſteemed, and his works printed at Geneva, writing of divorce, confeſſes that learned men "vary in this queſtion, ſome granting three cauſes thereof, ſome five, others many more;" he himſelf gives us ſix, "adultery, deſertion, inability, errour, evil uſage, and impiety," uſing argument "that Chriſt under one ſpecial contains the whole kind, and under the name and example of fornication, he includes other cauſes equipollent." This diſcourſe he wrote at the requeſt of many who had the judging of theſe cauſes in Denmark and Norway, who by all likelihood followed his advice.

Hunnius, a doctor of Wittenberg, well known both in divinity and other arts, on the xixth of Matth. affirms, "That the exception of fornication expreſſed by our Saviour, excludes not other cauſes equalling adultery, or deſtructive to the ſubſtantials of matrimony; but was oppoſed to the cuſtom of the Jews, who made divorce for every light cauſe."

Felix Bidenbachius, an eminent divine in the duchy of Wirtemberg, affirms, "That the obſtinate refuſal of conjugal due is a lawful cauſe of divorce;" and gives an inſtance, "that the conſiſtory of that ſtate ſo judged."

Gerard cites Harbardus, an author not unknown, and Arniſæus cites Wigandus, both yielding divorce in caſe of cruel uſage; and another author, who teſtifies to "have ſeen, in a dukedom of Germany, marriages diſjoined for ſome implacable enmities ariſing."

Beza, one of the ſtricteſt againſt divorce, denies it not "for danger of life from a heretic, or importunate ſolicitation to do aught againſt religion:" and counts it "all one whether the heretic deſert, or would ſtay upon intolerable

ıtolerable conditions." But this deciſion, well examined, will be found of no ſolidity. For Beza would e aſked why, if God ſo ſtrictly exact our ſtay in any ind of wedlock, we had not better ſtay and hazard a ıurdering for religion at the hand of a wife or huſband, s he and others enjoin us to ſtay and venture it for all ther cauſes but that? and why a man's life is not as ell and warrantably ſaved by divorcing from an orthoox murderer, as a heretical? Again, if deſertion be onfeſſed by him to conſiſt not only in the forſaking, but n the unſufferable conditions of ſtaying, a man may as ell deduce the lawfulneſs of divorcing from any intoerable conditions (if his grant be good, that we may ivorce thereupon from a heretic) as he can deduce it awful to divorce from any deſerter, by finding it lawful o divorce from a deſerting infidel. For this is plain, if t. Paul's permiſſion to divorce an infidel deſerter inſer it awful for any malicious deſertion, then doth Beza's deinition of a deſerter transfer itſelf with like facility from he cauſe of religion, to the cauſe of malice, and proves t as good to divorce from him who intolerably ſtays, as rom him who purpoſely departs; and leaves it as lawul to depart from him who urgently requires a wicked hing, though profeſſing the ſame religion, as from him who urges a heatheniſh or ſuperſtitious compliance in a lifferent faith. For if there be ſuch neceſſity of our abiding, we ought rather to abide the utmoſt for religion, than for any other cauſe; ſeeing both the cauſe of our ſtay is pretended our religion to marriage, and the cauſe of our ſuffering is ſuppoſed our conſtant marriage to religion. Beza therefore, by his own definition of a deſerter juſtifies a divorce from any wicked or intolerable conditions rather in the ſame religion than in a different.

Aretius, a famous divine of Bern, approves many cauſes of divorce in his "Problems," and adds, "that the laws and conſiſtories of Switzerland approve them alſo." As firſt, "adultery, and that not actual only, but intentional;" alleging Matthew v, "Whoſoever looketh to luſt, hath committed adultery already in his heart. Whereby," ſaith he, "our Saviour ſhows, that the breach of matrimony may be not only by outward act,

act, but by the heart and deſire; when that hath once poſſeſſed, it renders the converſation intolerable, and commonly the fact follows." Other cauſes to the number of nine or ten, conſenting in moſt with the imperial laws, may be read in the author himſelf, who avers them "to be grave and weighty." All theſe are men of name in divinity; and to theſe, if need were, might be added more. Nor have the civilians been all ſo blinded by the canon, as not to avouch the juſtice of thoſe old permiſſions touching divorce.

Alciat of Milain, a man of extraordinary wiſdom and learning, in the ſixth book of his "Parerga," defends thoſe imperial laws, "not repugnant to the goſpel, as the church then interpreted. "For," ſaith he, "the ancients underſtood him ſeparate by man, whom paſſions and corrupt affections divorced, not if the provincial biſhops firſt heard the matter, and judged, as the council of Agatha declares:" and on ſome part of the Code he names Iſidorus Hiſpalenſis, the firſt computer of canons, "to be in the ſame mind." And in the former place gives his opinion, "that divorce might be more lawfully permitted than uſury."

Coraſius, recorded by Helvicus among the famous lawyers, hath been already cited of the ſame judgment.

Weſembechius, a much-named civilian, in his comment on this law defends it, and affirms, "That our Saviour excluded not other faults equal to adultery; and that the word fornication ſignifies larger among the Hebrews than with us, comprehending every fault, which alienates from him to whom obedience is due, and that the primitive church interpreted ſo."

Grotius, yet living, and of prime note among learned men, retires plainly from the canon to the ancient civility, yea, to the Moſaic law, "as being moſt juſt and undeceivable." On the 5th of Matth. he ſaith, "That Chriſt made no civil laws, but taught us how to uſe law: that the law ſent not a huſband to the judge about this matter of divorce, but left him to his own conſcience; that Chriſt therefore cannot be thought to ſend him; that adultery may be judged by a vehement ſuſpicion; that the exception of adultery ſeems an example

of other like offences;" proves it "from the manner of ſpeech, the maxims of law, the reaſon of charity, and common equity."

Theſe authorities, without long ſearch, I had to produce, all excellent men, ſome of them ſuch as many ages had brought forth none greater: almoſt the meaneſt of them might deſerve to obtain credit in a ſingularity; what might not then all of them joined in an opinion ſo conſonant to reaſon? For although ſome ſpeak of this cauſe, others of that, why divorce may be, yet all agreeing in the neceſſary enlargement of that textual ſtraitneſs, leave the matter to equity, not to literal bondage; and ſo the opinion cloſes. Nor could I have wanted more teſtimonies, had the cauſe needed a more ſolicitous inquiry. But herein the ſatisfaction of others hath been ſtudied, not the gaining of more aſſurance to mine own perſuaſion: although authorities contributing reaſon withal be a good confirmation and a welcome. But God (I ſolemnly atteſt him!) withheld from my knowledge the conſenting judgment of theſe men ſo late, until they could not be my inſtructors, but only my unexpected witneſſes to partial men, that in this work I had not given the worſt experiment of an induſtry joined with integrity, and the free utterance, though of an unpopular truth. Which yet to the people of England may, if God ſo pleaſe, prove a memorable informing; certainly a benefit which was intended them long ſince by men of higheſt repute for wiſdom and piety, Bucer and Eraſmus. Only this one authority more, whether in place or out of place, I am not to omit; which if any can think a ſmall one, I muſt be patient, it is no ſmaller than the whole aſſembled authority of England both church and ſtate; and in thoſe times which are on record for the pureſt and ſincereſt that ever ſhone yet on the reformation of this iſland, the time of Edward the Sixth. That worthy prince, having utterly aboliſhed the canon law out of his dominions, as his father did before him, appointed by full vote of parliament a committee of two and thirty choſen men, divines and lawyers of whom Cranmer the archbiſhop

biſhop, Peter Martyr, and Walter Haddon (not without the aſſiſtance of ſir John Cheeke the king's tutor, a man at that time counted the learnedeſt of Engliſhmen, and for piety not inferior) were the chief, to frame anew ſome eccleſiaſtical laws, that might be inſtead of what was abrogated. The work with great diligence was finiſhed, and with as great approbation of that reforming age was received; and had been doubtleſs, as the learned preface thereof teſtifies, eſtabliſhed by act of parliament, had not the good king's death, ſo ſoon enſuing, arreſted the further growth of religion alſo, from that ſeaſon to this. Thoſe laws, thus founded on the memorable wiſdom and piety of that religious parliament and ſynod, allow divorce and ſecond marriage, "not only for adultery or deſertion, but for any capital enmity or plot laid againſt the other's life, and likewiſe for evil and fierce uſage:" nay the twelfth chapter of that title by plain conſequence declares, "that leſſer contentions, if they be perpetual, may obtain divorce:" which is all one really with the poſition by me held in the former treatiſe publiſhed on this argument, herein only differing, that there the cauſe of perpetual ſtrife was put for example in the unchangeable diſcord of ſome natures; but in theſe laws intended us by the beſt of our anceſtors, the effect of continual ſtrife is determined no unjuſt plea of divorce, whether the cauſe be natural or wilful. Whereby the warineſs and deliberation, from which that diſcourſe proceeded, will appear, and that God hath aided us to make no bad concluſion of this point; ſeeing the opinion, which of late hath undergone ill cenſures among the vulgar, hath now proved to have done no violence to ſcripture, unleſs all theſe famous authors alleged have done the like; nor hath affirmed aught more than what indeed the moſt nominated fathers of the church, both ancient and modern, are unexpectedly found affirming; the laws of God's peculiar people, and of primitive Chriſtendom found to have practiſed, reformed churches and ſtates to have imitated, and eſpecially the moſt pious church-times of this kingdom to have framed and publiſhed, and, but for

for ſad hinderances in the ſudden change of religion, had enacted by the parliament. Henceforth let them, who condemn the aſſertion of this book for new and licentious, be ſorry; left, while they think to be of the graver ſort, and take on them to be teachers, they expoſe themſelves rather to be pledged up and down by men who intimately know them, to the diſcovery and contempt of their ignorance and preſumption.

COLASTERION:

A Reply to a nameleſs Anſwer againſt the Doctrine and Diſcipline of Divorce.

Wherein the trivial author of that anſwer is diſcovered, the licenſer conferred with, and the opinion, which they traduce, defended.

Prov. xxvi, 5.

"Anſwer a fool according to his folly, leſt he be wiſe in his own conceit."

AFTER many rumours of confutations and convictions, forthcoming againſt the Doctrine and Diſcipline of Divorce, and now and then a by-blow from the pulpit, feathered with a cenſure ſtrict indeed, but how true, more beholden to the authority of that devout place, which it borrowed to be uttered in, than to any ſound reaſon which it could oracle; while I ſtill hoped as for a bleſſing to ſee ſome piece of diligence, or learned diſcretion come from them, it was my hap at length, lighting on a certain parcel of queries, that ſeek and find not, to find not ſeeking, at the tail of anabaptiſtical, antinomian, heretical, atheiſtical epithets, a jolly ſlander, called "Divorce at Pleaſure." I ſtood awhile and wondered, what we might do to a man's heart, or what anatomy uſe, to find in it ſincerity; for all our wonted marks every day fail us, and where we thought it was, we ſee it is not, for alter and change reſidence it cannot ſure. And yet I ſee no good of body or of mind ſecure to a man for all his paſt labours, without perpetual watchfulneſs and perſeverance: whenas one above others, who hath ſuffered much and long in the defence of truth, ſhall after all this give her cauſe to leave him ſo deſtitute and ſo vacant of her defence, as to yield his mouth to be the common road of truth and falſehood, and ſuch falſehood as is joined with

with a raſh and heedleſs calumny of his neighbour: For what book hath he ever met with, as his complaint is, "printed in the city," maintaining either in the title, or in the whole purſuance, "Divorce at Pleaſure?" It is true, that to divorce upon extreme neceſſity, when through the perverſeneſs, or the apparent unfitneſs of either, the continuance can be to both no good at all, but an intolerable injury and temptation to the wronged and the defrauded; to divorce then, there is a book that writes it lawful. And that this law is a pure and wholeſome national law, not to be withheld from good men, becauſe others likely enough may abuſe it to their pleaſure, cannot be charged upon that book, but muſt be entered a bold and impious accuſation againſt God himſelf; who did not for this abuſe withhold it from his own people. It will be juſt therefore, and beſt for the reputation of him who in his Subitanes hath thus cenſured, to recall his ſentence. And if, out of the abundance of his volumes, and the readineſs of his quill, and the vaſtneſs of his other employments, eſpecially in the great audit for accounts, he can ſpare us aught to the better underſtanding of this point, he ſhall be thanked in public; and what hath offended in the book ſhall willingly ſubmit to his correction. Provided he be ſure not to come with thoſe old and ſtale ſuppoſitions, unleſs he can take away clearly what that diſcourſe hath urged againſt them, by one who will expect other arguments to be perſuaded the good health of a ſound anſwer, than the gout and dropſy of a big margin, littered and overlaid with crude and huddled quotations. But as I ſtill was waiting, when theſe light-armed refuters would have done pelting at their three lines uttered with a ſage delivery of no reaſon, but an impotent and worſe than Bonnerlike cenſure, to burn that which provokes them to a fair diſpute; at length a book was brought to my hands, intitled "An Anſwer to the Doctrine and Diſcipline of Divorce." Gladly I received it, and very attentively compoſed myſelf to read; hoping that now ſome good man had vouchſafed the pains to inſtruct me better, than I could yet learn out of all the volumes, which for this purpoſe I had viſited. Only this I marvelled, and other men have ſince,

whenas I, in a ſubject ſo new to this age, and ſo hazardous to pleaſe, concealed not my name, why this author, defending that part which is ſo creeded by the people, would conceal his. But ere I could enter three leaves into the pamphlet, (for I defer the peaſantly rudeneſs, which by the licenſer's leave I met with afterwards) my ſatisfaction came in abundantly, that it could be nothing why he durſt not name himſelf, but the guilt of his own wretchedneſs. For firſt, not to ſpeak of his abrupt and bald beginning, his very firſt page notoriouſly bewrays him an illiterate and arrogant preſumer in that which he underſtands not, bearing us in hand as if he knew both Greek and Hebrew, and is not able to ſpell it; which had he been, it had been either written as it ought, or ſcored upon the printer. If it be excuſed as the careleſneſs of his deputy, be it known, the learned author himſelf is inventoried, and ſummed up to the utmoſt value of his livery-cloak. Whoever he be, though this to ſome may ſeem a ſlight conteſt, I ſhall yet continue to think that man full of other ſecret injuſtice, and deceitful pride, who ſhall offer in public to aſſume the ſkill though it be but of a tongue which he hath not, and would catch his readers to believe of his ability, that which is not in him. The licenſer indeed, as his authority now ſtands, may licenſe much; but if theſe Greek orthographies were of his licenſing, the boys at ſchool might reckon with him at his grammar. Nor did I find this his want of the pretended languages alone, but accompanied with ſuch a low and homeſpun expreſſion of his mother Engliſh all along, without joint or frame, as made me, ere I knew further of him, often ſtop and conclude, that this author could for certain be no other than ſome mechanic. Nor was the ſtyle flat and rude, and the matter grave and ſolid, for then there had been pardon; but ſo ſhallow and ſo unwary was that alſo, as gave ſufficiently the character of a groſs and ſluggiſh, yet a contentious and overweening pretender. For firſt, it behoving him to ſhow, as he promiſes, what divorce is, and what the true Doctrine and Diſcipline thereof, and this being to do by ſuch principles and proofs as are received on both ſides, he performs neither of theſe; but ſhows it firſt from the judai-

cal practice, which he himſelf diſallows, and next from the practice of canon law, which the book he would confute utterly rejects, and all laws depending thereon; which this puny clerk calls "the Laws of England," and yet pronounceth them by an eccleſiaſtical judge: as if that were to be accounted the law of England which dependeth on the popery of England; or if it were, this parliament he might know hath now damned that judicature. So that whether his meaning were to inform his own party, or to confute his adverſary, inſtead of ſhowing us the true Doctrine and Diſcipline of Divorce, he ſhows us nothing but his own contemptible ignorance. For what is the Moſaic law to his opinion? And what is the canon, now utterly antiquated, either to that, or to mine? Ye ſee already what a faithful definer we have him. From ſuch a wind-egg of definition as this, they who expect any of his other arguments to be well hatched, let them enjoy the virtue of their worthy champion. But one thing more I obſerved, a ſingular note of his ſtupidity, and that his trade is not to meddle with books, much leſs with confutations; whenas the "Doctrine of Divorce" had now a whole year been publiſhed the ſecond time, with many arguments added, and the former ones bettered and confirmed, this idle pamphlet comes reeling forth againſt the firſt edition only; as may appear to any by the pages quoted: which put me in mind of what by chance I had notice of to this purpoſe the laſt ſummer, as nothing ſo ſerious but happens ofttimes to be attended with a ridiculous accident: it was then told me, that the "Doctrine of Divorce" was anſwered, and the anſwer half printed againſt the firſt edition, not by one, but by a pack of heads; of whom the chief, by circumſtance, was intimated to me, and ſince ratified to be no other, if any can hold laughter, and I am ſure none will gueſs him lower than an actual ſerving-man. This creature, for the ſtory muſt on, (and what though he be the loweſt perſon of an interlude, he may deſerve a canvaſſing) tranſplanted himſelf, and to the improvement of his wages, and your better notice of his capacity, turned ſolicitor. And having converſed much with a ſtripling divine or two of thoſe newly-fledged probationers, that

uſually come ſcouting from the univerſity, and lie here no lame legers to pop into the Bethesda of ſome knight's chaplainſhip, where they bring grace to his good cheer, but no peace or benediction elſe to his houſe; theſe made the cham-party, he contributed the law, and both joined in the divinity. Which made me intend following the advice alſo of friends, to lay aſide the thought of miſpending a reply to the buz of ſuch a drone's neſt. But finding that it lay, whatever was the matter, half a year after unfiniſhed in the preſs, and hearing for certain that a divine of note, out of his good-will to the opinion, had taken it into his reviſe, and ſomething had put out, ſomething put in, and ſtuck it here and there with a clove of his own calligraphy, to keep it from tainting: and farther, when I ſaw the ſtuff, though very coarſe and threadbare, garniſhed and trimly faced with the commendations of a licenſer, I reſolved, ſo ſoon as leiſure granted me the recreation, that my man of law ſhould not altogether loſe his ſoliciting. Although I impute a ſhare of the making to him whoſe name I find in the approbation, who may take, as his mind ſerves him, this reply. In the mean while it ſhall be ſeen, I refuſe no occaſion, and avoid no adverſary, either to maintain what I have begun, or to give it up for better reaſon.

To begin then with the licenſer and his cenſure. For a licenſer is not contented now to give his ſingle Imprimatur, but brings his chair into the title-leaf; there ſits and judges up, or judges down, what book he pleaſes: if this be ſuffered, what worthleſs author, or what cunning printer will not be ambitious of ſuch a ſtale to put off the heavieſt gear; which may in time bring in round fees to the licenſer, and wretched miſleading to the people? But to the matter: he "approves the publiſhing of this book, to preſerve the ſtrength and honour of marriage againſt thoſe ſad breaches and dangerous abuſes of it." Belike then the wrongful ſuffering of all thoſe ſad breaches and abuſes in marriage to a remedileſs thraldom is the ſtrength and honour of marriage; a boiſterous and beſtial ſtrength, a diſhonourable honour, an infatuated doctrine, whoſe than the Salvo jure of tyrannizing, which we all fight againſt. Next he ſaith, that "common diſcontents

contents make theſe breaches in unſtaid minds, and men given to change." His words may be apprehended, as if they diſallowed only to divorce for common diſcontents, in unſtaid minds, having no cauſe, but a deſire of change, and then we agree. But if he take all diſcontents on this ſide adultery, to be common, that is to ſay, not difficult to endure, and to affect only unſtaid minds, it might adminiſter juſt cauſe to think him the unfitteſt man that could be, to offer at a comment upon Job*; as ſeeming by this to have no more true ſenſe of a good man in his afflictions, than thoſe Edomitiſh friends had, of whom Job complains, and againſt whom God teſtifies his anger. Shall a man of your own coat, who hath eſpouſed his flock, and repreſents Chriſt more in being the true huſband of his congregation, than an ordinary man doth in being the huſband of his wife, (and yet this repreſentment is thought a chief cauſe why marriage muſt be inſeparable) ſhall this ſpiritual man ordinarily for the increaſe of his maintenance or any ſlight cauſe, forſake that wedded cure of ſouls, that ſhould be deareſt to him, and marry another and another? And ſhall not a perſon wrongfully afflicted, and perſecuted even to extremity, forſake an unfit, injurious, and peſtilent mate, tied only by a civil and fleſhly covenant? If you be a man ſo much hating change, hate that other change; if yourſelf be not guilty, counſel your brethren to hate it; and leave to be the ſupercilious judge of other men's miſeries and changes, that your own be not judged. "The reaſons of your licenſed pamphlet," you ſay, "are good;" they muſt be better than your own then; I ſhall wonder elſe how ſuch a trivial fellow was accepted and commended, to be the confuter of ſo dangerous an opinion as ye give out mine.

Now therefore to your attorney, ſince no worthier an adverſary makes his appearance, nor this neither his appearance, but lurking under the ſafety of his nameleſs obſcurity; ſuch as ye turn him forth at the poſtern, I muſt accept him; and in a better temper than Ajax do mean to ſcourge this ram for ye, till I meet with his Ulyſſes.

* Mr. Caryl.

He begins with law, and we have it of him as good cheap as any huckſter at law, newly ſet up, can poſſibly afford, and as impertinent; but for that he hath received his handſel. He preſumes alſo to cite the civil law, which I perceive, by his citing, never came within his dormitory: yet what he cites, makes but againſt himſelf.

His ſecond thing therefore is to refute the adverſe poſition, and very methodically, three pages before he ſets it down; and ſets his own in the place, "that diſagreement of mind or diſpoſition, though ſhowing itſelf in much ſharpneſs, is not by the law of God or man a juſt cauſe of divorce."

To this poſition I anſwer; That it lays no battery againſt mine, no nor ſo much as faces it, but tacks about, long ere it come near, like a harmleſs and reſpectful confutement. For I confeſs that diſagreement of mind or diſpoſition, though in much ſharpneſs, is not always a juſt cauſe of divorce; for much may be endured. But what if the ſharpneſs be much more than his much? To that point it is our miſhap we have not here his grave deciſion. He that will contradict the poſition which I alleged, muſt hold that no diſagreement of mind or diſpoſition can divorce, though ſhown in moſt ſharpneſs; otherwiſe he leaves a place for equity to appoint limits, and ſo his following arguments will either not prove his own poſition, or not diſprove mine.

His firſt argument, all but what hobbles to no purpoſe, is this; "Where the Scripture commands a thing to be done, it appoints when, how, and for what, as in the caſe of death, or excommunication. But the Scripture directs not what meaſure of diſagreement or contrariety may divorce: therefore the Scripture allows not any divorce for diſagreement."—Anſw. Firſt, I deny your major; the Scripture appoints many things, and yet leaves the circumſtance to man's diſcretion, particularly in your own examples: excommunication is not taught when, and for what to be, but left to the church. How could the licenſer let paſs this childiſh ignorance, and call it "good?" Next, in matters of death, the laws of England, whereof you have intruded to be an opiniaſtrous ſubadvocate, and are bound to defend them, conceive it

not

not enjoined in Scripture, when or for what cauſe they ſhall put to death, as in adultery, theft, and the like. Your minor alſo is falſe, for the Scripture plainly ſets down for what meaſure of diſagreement a man may divorce, Deut. xxiv, 1. Learn better what that phraſe means, "if ſhe find no favour in his eyes."

Your ſecond argument, without more tedious fumbling, is briefly thus: "If diverſity in religion, which breeds a greater diſlike than any natural diſagreement, may not cauſe a divorce, then may not the leſſer diſagreement: But diverſity of religion may not; Ergo."

Anſw. Firſt, I deny in the major, that diverſity of religion breeds a greater diſlike to marriage-duties than natural diſagreement. For between Iſraelite, or chriſtian and infidel, more often hath been ſeen too much love; but between them who perpetually claſh in natural contrarieties, it is repugnant that there ſhould be ever any married love or concord. Next, I deny your minor, that it is commanded not to divorce in diverſity of religion, if the infidel will ſtay: for that place in St. Paul commands nothing, as that book at large affirmed, though you overſkipped it.

Secondly, If it do command, it is but with condition that the infidel be content, and well-pleaſed to ſtay, which cuts off the ſuppoſal of any great hatred or diſquiet between them, ſeeing the infidel had liberty to depart at pleaſure; and ſo this compariſon avails nothing.

Your third argument is from Deut. xxii. "If a man hate his wife, and raiſe an ill report, that he found her no virgin;" if this were falſe, "he might not put her away," though hated never ſo much.

Anſ. This was a malicious hatred, bent againſt her life, or to ſend her out of doors without her portion. Such a hater loſes by due puniſhment that privilege, Deut. xxiv, 1, to divorce for a natural diſlike; which, though it could not love conjugally, yet ſent away civilly, and with juſt conditions. But doubtleſs the wife in that former caſe had liberty to depart from her falſe accuſer, leſt his hatred ſhould prove mortal; elſe that law, peculiarly made to right the woman, had turned to her greateſt miſchief.

Your fourth argument is; "One chriſtian ought to bear the infirmities of another, but chiefly of his wife."

Anſ. I grant infirmities, but not outrages, not perpetual defraudments of trueſt conjugal ſociety, not injuries and vexations as importunate as fire. Yet to endure very much, might do well an exhortation, but not a compulſive law. For the Spirit of God himſelf, by Solomon, declares that ſuch a conſort "the earth cannot bear. and better dwell in a corner of the houſe-top, or in the wilderneſs." Burdens may be borne, but ſtill with conſideration to the ſtrength of an honeſt man complaining. Charity indeed bids us forgive our enemies, yet doth not force us to continue friendſhip and familiarity with thoſe friends who have been falſe or unworthy towards us; but is contented in our peace with them, at a fair diſtance. Charity commands not the huſband to receive again into his boſom the adulterous wife, but thinks it enough, if he diſmiſs her with a beneficent and peaceful diſmiſſion. No more doth charity command, nor can her rule compel, to retain in neareſt union of wedlock one whoſe other groſſeſt faults, or diſabilities to perform what was covenanted, are the juſt cauſes of as much grievance and diſſention in a family, as the private act of adultery. Let not therefore, under the name of fulfilling charity, ſuch an unmerciful and more than legal yoke be padlocked upon the neck of any chriſtian.

Your fifth argument: "If the huſband ought to love his wife, as Chriſt his church, then ought ſhe not to be put away for contrariety of mind."

Anſw. This ſimilitude turns againſt him; for if the huſband muſt be as Chriſt to the wife, then muſt the wife be as the church to her huſband. If there be a perpetual contrariety of mind in the church toward Chriſt, Chriſt himſelf threatens to divorce ſuch a ſpouſe, and hath often done it. If they urge, this was no true church, I urge again that was no true wife.

His ſixth argument is from Matth. v, 32, which he expounds after the old faſhion, and never takes notice of what I brought againſt that expoſition; let him therefore ſeek his anſwer there. Yet can he not leave this argument, but he muſt needs firſt ſhow us a curvet of his

madneſs, holding out an objection, and running himſelf upon the point. "For," ſaith he, "if Chriſt except no cauſe but adultery, then all other cauſes, as frigidity, inceſtuous marriage, &c. are no cauſe of divorce;" and anſwers, "that the ſpeech of Chriſt holds univerſally, as he intended it; namely, to condemn ſuch divorce as was groundleſsly practiſed among the Jews, for every cauſe which they thought ſufficient; not checking the law of conſanguinities or affinities, or forbidding other cauſe which makes marriage void, ipſo facto."

Anſw. Look to it now, you be not found taking fees on both ſides; for if you once bring limitations to the univerſal words of Chriſt, another will do as much with as good authority; and affirm, that neither did he check the law, Deut. xxiv, 1, nor forbid the cauſes that make marriage void actually; which if any thing in the world doth, unfitneſs doth, and contrariety of mind; yea, more than adultery, for that makes not the marriage void, nor much more unfit, but for the time, if the offended party forgive: but unfitneſs and contrariety fruſtrates and nullifies for ever, unleſs it be a rare chance, all the good and peace of wedded converſation; and leaves nothing between them enjoyable, but a prone and ſavage neceſſity, not worth the name of marriage, unaccompanied with love. Thus much his own objection hath done againſt himſelf.

Argument 7th. He inſiſts, "that man and wife are one fleſh, therefore muſt not ſeparate." But muſt be ſent to look again upon the * 35th page of that book, where he might read an anſwer, which he ſtirs not. Yet can he not abſtain, but he muſt do us another pleaſure ere he goes; although I call the common pleas to witneſs, I have not hired his tongue, whatever men may think by his arguing. For beſides adultery, he excepts other cauſes which diſſolve the union of being one fleſh, either directly, or by conſequence. If only adultery be excepted by our Saviour, and he voluntarily can add other exceptions that diſſolve that union, both directly and by conſequence; theſe words of Chriſt, the main obſtacle of

*First Edition.

divorce,

divorce, are open to us by his own invitation, to include whatever cauſes diſſolve that union of fleſh, either directly or by conſequence. Which, till he name other cauſes more likely, I affirm to be done ſooneſt by unfitneſs and contrariety of mind; for that induces hatred, which is the greateſt diſſolver both of ſpiritual and corporal union, turning the mind, and conſequently the body, to other objects. Thus our doughty adverſary, either directly or by conſequence, yields us the queſtion with his own mouth: and the next thing he does, recants it again.

His 8th argument ſhivers in the uttering, and he confeſſeth to be "not overconfident of it:" but of the reſt it may be ſworn he is. St. Paul, 1 Cor. vii, ſaith, that the "married have trouble in the fleſh," therefore we muſt bear it, though never ſo intolerable.

I anſwer, if this be a true conſequence, why are not all troubles to be borne alike? Why are we ſuffered to divorce adulteries, deſertions, or frigidities? Who knows not that trouble and affliction is the decree of God upon every ſtate of life? Follows it therefore, that, though they grow exceſſive and inſupportable, we muſt not avoid them? If we may in all other conditions, and not in marriage, the doom of our ſuffering ties us not by the trouble, but by the bond of marriage: and that muſt be proved inſeparable from other reaſons, not from this place. And his own confeſſion declares the weakneſs of this argument, yet his ungoverned arrogance could not be diſſuaded from venting it.

His 9th argument is, "that a huſband muſt love his wife as himſelf; therefore he may not divorce for any diſagreement, no more than he may ſeparate his ſoul from his body." I anſwer: if he love his wife as himſelf, he muſt love her ſo far as he may preſerve him to her in a cheerful and comfortable manner, and not ſo as to ruin himſelf by anguiſh and ſorrow, without any benefit to her. Next, if the huſband muſt love his wife as himſelf, ſhe muſt be underſtood a wife in ſome reaſonable meaſure, willing and ſufficient to perform the chief duties of her covenant, elſe by the hold of this argument it would be his great ſin to divorce either for adultery or deſertion.

deſertion. The reſt of this will run circuit with the union of one fleſh, which was anſwered before. And that to divorce a relative and metaphorical union of two bodies into one fleſh cannot be likened in all things to the dividing of that natural union of ſoul and body into one perſon, is apparent of itſelf.

His laſt argument he fetches "from the inconvenience that would follow upon this freedom of divorce, to the corrupting of men's minds, and the overturning of all human ſociety."

But for me let God and Moſes anſwer this blaſphemer, who dares bring in ſuch a foul indictment againſt the divine law. Why did God permit this to his people the Jews, but that the right and good, which came directly thereby, was more in his eſteem than the wrong and evil, which came by accident? And for thoſe weak ſuppoſes of infants that would be left in their mothers belly (which muſt needs be good news for chamber-maids, to hear a ſerving-man grown ſo provident for great bellies) and portions and jointures likely to incur embezzlement hereby, the ancient civil law inſtructs us plentifully how to award, which our profound oppoſite knew not, for it was not in his tenures.

His arguments are ſpun; now follows the chaplain with his antiquities, wiſer if he had refrained, for his very touching aught that is learned foils it, and lays him ſtill more and more open, a conſpicuous gull. There being both fathers and councils more ancient, wherewith to have ſerved his purpoſe better than with what he cites, how may we do to know the ſubtle drift, that moved him to begin firſt with the "twelfth council of Toledo?" I would not undervalue the depth of his notion; but perhaps he had heard that the men of Toledo had ſtore of good blade-mettle, and were excellent at cutling; who can tell but it might be the reach of his policy, that theſe able men of deciſion would do beſt to have the prime ſtroke among his teſtimonies in deciding this cauſe? But all this craft avails himſelf not; for ſeeing they allow no cauſe of divorce but fornication, what do theſe keen doctors here, but cut him over the ſinews with their toledoes, for holding in the precedent page other cauſes

of

of divorce beſides, both directly and by conſequence? As evil doth that Saxon council, next quoted, beſtead him. For if it allow divorce preciſely for no cauſe but fornication, it thwarts his own expoſition: and if it underſtand fornication largely, it ſides with whom he would confute. However, the authority of that ſynod can be but ſmall, being under Theodorus, the Canterbury biſhop, a Grecian monk of Tarſus, revolted from his own church to the pope. What have we next? the civil law ſtuffed in between two councils, as if the Code had been ſome ſynod; for that he underſtood himſelf in this quotation, is incredible; where the law, Cod. l. 3, tit. 38, leg. 11, ſpeaks not of divorce, but againſt the dividing of poſſeſſions to divers heirs, whereby the married ſervants of a great family were divided, perhaps into diſtant countries and colonies; father from ſon, wife from huſband, ſore againſt their will. Somewhat lower he confeſſeth, that the civil law allows many reaſons of divorce, but the canon law decrees otherwiſe; a fair credit to his cauſe! And I amaze me, though the fancy of this dolt be as obtuſe and ſad as any mallet, how the licenſer could ſleep out all this, and ſuffer him to uphold his opinion by canons and Gregorial decretals; a law which not only his adverſary, but the whole reformation of this church and ſtate hath branded and rejected. As ignorantly, and too ignorantly to deceive any reader but an unlearned, he talks of Juſtin Martyr's Apology, not telling us which of the twain; for that paſſage in the beginning of his firſt, which I have cited elſewhere, plainly makes againſt him: ſo doth Tertullian, cited next, and next Eraſmus, the one againſt Marcion, the other in his annotations on Matthew, and to the Corinthians. And thus ye have the liſt of his choice antiquities, as pleaſantly choſen as ye would wiſh from a man of his handy vocation, puffed up with no luck at all above the ſtint of his capacity.

Now he comes to the poſition, which I ſet down whole; and, like an able textman, ſlits it into four, that he may the better come at it with his barber-ſurgery, and his ſleeves turned up. Wherein firſt, he denies "that any diſpoſition, unfitneſs, or contrariety of mind, is unchange-

able

able in nature, but that by the help of diet and phyſic it may be altered."

I mean not to diſpute philoſophy with this pork, who never read any. But I appeal to all experience, though there be many drugs to purge theſe redundant humours and circulations, that commonly impair health, and are not natural, whether any man can with the ſafety of his life bring a healthy conſtitution into phyſic with this deſign, to alter his natural temperament and diſpoſition of mind. How much more vain and ridiculous would it be, by altering and rooting up the grounds of nature, which is moſt likely to produce death or madneſs, to hope the reducing of a mind to this or that fitneſs, or two diſagreeing minds to a mutual ſympathy? Suppoſe they might, and that with great danger of their lives and right ſenſes, alter one temperature, how can they know that the ſucceeding diſpoſition will not be as far from fitneſs and agreement? They would perhaps change melancholy into ſanguine; but what if phlegm and choler in as great a meaſure come inſtead, the unfitneſs will be ſtill as difficult and troubleſome? But laſtly, whether theſe things be changeable or not, experience teaches us, and our poſition ſuppoſes that they ſeldom do change in any time commenſurable to the neceſſities of man, or convenient to the ends of marriage: and if the fault be in the one, ſhall the other live all his days in bondage and miſery for another's perverſeneſs, or immedicable diſaffection? To my friends, of which may feweſt be ſo unhappy, I have a remedy, as they know, more wiſe and manly to preſcribe: but for his friends and followers (of which many may deſerve juſtly to feel themſelves the unhappineſs which they conſider not in others) I ſend them by his advice to ſit upon the ſtool and ſtrain, till their croſs diſpoſitions and contrarieties of mind ſhall change to a better correſpondence, and to a quicker apprehenſion of common ſenſe, and their own good.

His ſecond reaſon is as heedleſs; "becauſe that grace may change the diſpoſition, therefore no indiſpoſition may cauſe divorce."

Anſw. Firſt, it will not be deniable that many perſons, gracious both, may yet happen to be very unfitly married,

married, to the great diſturbance of either. Secondly What if one have grace, the other not, and will not alter as the Scriptures teſtify there be of thoſe, in whom we may expect a change, when "the blackamoor changes his colour, or the leopard his ſpots," Jer. xiii, 23. Shall the gracious therefore dwell in torment all his life, for the ungracious? We ſee that holieſt precepts, than which there can no better phyſic be adminiſtered to the mind of man, and ſet on with powerful preaching, cannot work this cure, no not in the family, not in the wife of him that preaches day and night to her. What an unreaſonable thing is it, that men, and clergymen eſpecially, ſhould exact ſuch wonderous changes in another man's houſe, and are ſeen to work ſo little in their own?

To the ſecond point of the poſition, that this unfitneſs hinders the main ends and benefits of marriage; he anſwers, "if I mean the unfitneſs of choler, or ſullen diſpoſition, that ſoft words, according to Solomon, pacify wrath."

But I reply, that the ſaying of Solomon is a proverb, frequently true, not univerſally, as both the event ſhows, and many other ſentences written by the ſame author, particularly of an evil woman, Prov. xxi, 9, 19, and in other chapters, that ſhe is better ſhunned than dwelt with, and a deſert is preferred before her ſociety. What need the Spirit of God put this choice into our heads, if ſoft words could always take effect with her? How frivolous is not only this diſputer, but he that taught him thus, and let him come abroad?

To his ſecond anſwer I return this, that although there be not eaſily found ſuch an antipathy, as to hate one another like a toad or poiſon; yet that there is oft ſuch a diſlike in both, or either, to conjugal love, as hinders all the comfort of matrimony, ſcarce any can be ſo ſimple as not to apprehend. And what can be that favour, found or not found, in the eyes of the huſband, but a natural liking or diſliking; whereof the law of God, Deut. xxiv, bears witneſs, as of an ordinary accident, and determines wiſely and divinely thereafter. And this diſaffection happening to be in the one, not without the unſpeakable diſcomfort of the other, muſt he be left

like

like a thing conſecrated to calamity and deſpair, without redemption?

Againſt the third branch of the poſition, he denies that "ſolace and peace, which is contrary to diſcord and variance, is the main end of marriage." What then? He will have it "the ſolace of male and female." Came this doctrine out of ſome ſchool, or ſome ſty? Who but one forſaken of all ſenſe and civil nature, and chiefly of chriſtianity, will deny that peace, contrary to diſcord, is the calling and the general end of every Chriſtian, and of all his actions, and more eſpecially of marriage, which is the deareſt league of love, and the deareſt reſemblance of that love which in Chriſt is deareſt to his church? How then can peace and comfort, as it is contrary to diſcord, which God hates to dwell with, not be the main end of marriage? Diſcord then we ought to fly, and to purſue peace, far above the obſervance of a civil covenant already broken, and the breaking daily iterated on the other ſide. And what better teſtimony than the words of the inſtitution itſelf, to prove that a converſing ſolace, and peaceful ſociety, is the prime end of marriage, without which no other help or office can be mutual, beſeeming the dignity of reaſonable creatures, that ſuch as they ſhould be coupled in the rites of nature by the mere compulſion of luſt, without love or peace, worſe than wild beaſts? Nor was it half ſo wifely ſpoken as ſome deem, though Auſtin ſpake it, that if God had intended other than copulation in marriage, he would for Adam have created a friend, rather than a wife, to converſe with; and our own writers blame him for this opinion: for which and the like paſſages, concerning marriage, he might be juſtly taxed of ruſticity in theſe affairs. For this cannot but be with eaſe conceived, that there is one ſociety of grave friendſhip, and another amiable and attractive ſociety of conjugal love, beſides the deed of procreation, which of itſelf ſoon cloys, and is deſpiſed, unleſs it be cheriſhed and reincited with a pleaſing converſation. Which if ignoble and ſwiniſh minds cannot apprehend, ſhall ſuch merit therefore to be the cenſures of more generous and virtuous ſpirits?

Againſt the laſt point of the poſition, to prove that contrariety

contrariety of mind is not a greater cauſe of divorce than corporal frigidity, he enters into ſuch a tedious and drawling tale "of burning, and burning, and luſt and burning," that the dull argument itſelf burns too for want of ſtirring; and yet all this burning is not able to expel the frigidity of his brain. So long therefore as that cauſe in the poſition ſhall be proved a ſufficient cauſe of divorce, rather than ſpend words with this phlegmy clod of an antagoniſt, more than of neceſſity and a little merriment, I will not now contend whether it be a greater cauſe than frigidity or no.

His next attempt is upon the arguments which I brought to prove the poſition. And for the firſt, not finding it of that ſtructure as to be ſcaled with his ſhort ladder, he retreats with a bravado, that it deſerves no anſwer. And I as much wonder what the whole book deſerved, to be thus troubled and ſolicited by ſuch a paltry ſolicitor. I would he had not caſt the gracious eye of his duncery upon the ſmall deſerts of a pamphlet, whoſe every line meddled with uncaſes him to ſcorn and laughter.

That which he takes for the ſecond argument, if he look better, is no argument, but an induction to thoſe that follow. Then he ſtumbles that I ſhould ſay, "the gentleſt ends of marriage," confeſſing that he underſtands it not. And I believe him heartily: for how ſhould he, a ſerving-man both by nature and by function, an idiot by breeding, and a ſolicitor by preſumption, ever come to know or feel within himſelf what the meaning is of "gentle?" He blames it for "a neat phraſe," for nothing angers him more than his own proper contrary. Yet altogether without art ſure he is not; for who could have deviſed to give us more briefly a better deſcription of his own ſervility?

But what will become now of the buſineſs I know not; for the man is ſuddenly taken with a lunacy of law, and ſpeaks revelations out of the attorney's academy only from a lying ſpirit: for he ſays, "that where a thing is void ipſo facto, there needs no legal proceeding to make it void:" which is falſe, for marriage is void by adultery or frigidity, yet not made void without legal proceeding. Then aſks my

opinion

opinion of John-a-Noaks and John-a-Stiles: and I anſwer him, that I, for my part, think John Dory was a better man than both of them; for certainly they were the greateſt wranglers that ever lived, and have filled all our law-books with the obtunding ſtory of their ſuits and trials.

After this he tells a miraculous piece of antiquity, how "two Romans, Titus and Sempronius, made feoffments," at Rome ſure, and levied fines by the common law. But now his fit of law paſt, yet hardly come to himſelf, he maintains, that if marriage be void, as being neither of God nor nature, "there needs no legal proceeding to part it," and I tell him that offends not me: then, quoth he, "this is nothing to your book, being the Doctrine and Diſcipline of Divorce." But that I deny him; for all diſcipline is not legal, that is to ſay, juridical, but ſome is perſonal, ſome economical, and ſome eccleſiaſtical.

Laſtly, If I prove that contrary diſpoſitions are joined neither of God nor nature, and ſo the marriage void, "he will give me the controverſy." I have proved it in that book to any wiſe man, and without more ado the inſtitution proves it.

Where I anſwer an objection uſually made, that "the diſpoſition ought to be known before marriage," and ſhow how difficult it is to chooſe a fit conſort, and how eaſy to miſtake; the ſervitor would know "what I mean by converſation," declaring his capacity nothing refined ſince his law-puddering, but ſtill the ſame it was in the pantry, and at the dreſſer. Shall I argue of converſation with this hoyden, to go and practiſe at his opportunities in the larder? To men of quality I have ſaid enough; and experience confirms by daily example, that wiſeſt, ſobereſt, juſteſt men are ſometimes miſerably miſtaken in their choice. Whom to leave thus without remedy, toſſed and tempeſted in a moſt unquiet ſea of afflictions and temptations, I ſay is moſt unchriſtianly.

But he goes on to untruſs my arguments, imagining them his maſter's points. Only in the paſſage following I cannot but admire the ripeneſs and the pregnance of his native treachery, endeavouring to be more a fox than

his wit will ſuffer him. Whereas I briefly mentioned certain heads of diſcourſe, which I referred to a place more proper according to my method, to be treated there at full with all their reaſons about them, this brain-worm, againſt all the laws of diſpute, will needs deal with them here. And as a country hind, ſometimes ambitious to ſhow his betters that he is not ſo ſimple as you take him, and that he knows his advantages, will teach us a new trick to confute by. And would you think to what a pride he ſwells in the contemplation of his rare ſtatagem, offering to carp at the language of a book, which yet he confeſſes to be generally commended; while himſelf will be acknowledged, by all that read him, the baſeſt and the hungrieſt enditer, that could take the boldneſs to look abroad. Obſerve now the arrogance of a groom, how it will mount. I had written, that common adultery is a thing which the rankeſt politician would think it ſhame and diſworſhip, that his law ſhould countenance. Firſt, it offends him, that "rankeſt" ſhould ſignify aught but his own ſmell: who that knows Engliſh ſhould not underſtand me, when I ſay a rank ſerving-man, a rank pettifogger, to mean a mere ſerving-man, a mere and arrant pettifogger, who lately was ſo hardy, as to lay aſide his buckram-wallet, and make himſelf a fool in print, with confuting books which are above him? Next, the word "politician" is not uſed to his maw, and thereupon he plays the moſt notorious hobby-horſe, jeſting and friſking in the luxury of his nonſenſe with ſuch poor fetches to cog a laughter from us, that no antic hobnail at a morris, but is more handſomely facetious.

Concerning that place Deut. xxiv, 1, which he ſaith to be "the main pillar of my opinion," though I rely more on the inſtitution than on that: theſe two pillars I do indeed confeſs are to me as thoſe two in the porch of the temple, Jachin and Boaz, which names import eſtabliſhment and ſtrength; nor do I fear who can ſhake them. The expoſition of Deut. which I brought, is the received expoſition, both ancient and modern, by all learned men, unleſs it be a monkiſh papiſt here and there: and the gloſs, which he and his obſcure aſſiſtant would perſuade

ſhade us to, is merely new and abſurd, preſuming out of his utter ignorance in the Hebrew to interpret thoſe words of the text; firſt, in a miſtaken ſenſe of uncleanneſs, againſt all approved writers. Secondly, in a limited ſenſe, whenas the original ſpeaks without limitation, "ſome uncleanneſs, or any:" and it had been a wiſe law indeed to mean itſelf particular, and not to expreſs the caſe which this acute rabbi hath all this while been hooking for; whereby they who are moſt partial to him may gueſs that ſomething is in this doctrine which I allege, that forces the adverſary to ſuch a new and ſtrained expoſition: wherein he does nothing for above four pages, but founder himſelf to and fro in his own objections; one while denying that divorce was permitted, another while affirming that it was permitted for the wife's ſake, and after all, diſtruſts himſelf. And for his ſureſt retirement, betakes him to thoſe old ſuppoſitions, "that Chriſt aboliſhed the Moſaic law of divorce; that the Jews had not ſufficient knowledge in this point, through the darkneſs of the diſpenſation of heavenly things; that under the plenteous grace of the goſpel we are tied by cruelleſt compulſion to live in marriage till death with the wickedeſt, the worſt, the moſt perſecuting mate." Theſe ignorant and doting ſurmiſes he might have read confuted at large, even in the firſt edition; but found it ſafer to paſs that part over in ſilence. So that they who ſee not the ſottiſhneſs of this his new and tedious expoſition, are worthy to love it dearly.

His explanation done, he charges me with a wicked gloſs, and almoſt blaſphemy, for ſaying that Chriſt in teaching meant not always to be taken word for word; but like a wiſe phyſician, adminiſtering one exceſs againſt another, to reduce us to a perfect mean. Certainly to teach us were no diſhoneſt method: Chriſt himſelf hath often uſed hyperboles in his teaching; and graveſt authors, both Ariſtotle in the ſecond of his "Ethics to Nichomachus," and Seneca in his ſeventh "de Beneficiis," adviſe us to ſtretch out the line of precept oft times beyond meaſure, that while we tend further, the mean might be the eaſter attained. And whoever comments that vth of Matthew, when he comes to the turning of cheek

after cheek to blows, and the parting both with cloak and coat, if any pleaſe to be the rifler, will be forced to recommend himſelf to the ſame expoſition, though this chattering lawmonger be bold to call it wicked. Now note another precious piece of him; Chriſt, ſaith he, "doth not ſay that an unchaſte look is adultery, but the luſting after her; as if the looking unchaſtely could be without luſting. This gear is licenſed for good reaſon; "Imprimatur."

Next he would prove, that the ſpeech of Chriſt is not uttered in exceſs againſt the phariſees, firſt, "becauſe he ſpeaks it to his diſciples," Matth. v, which is falſe, for he ſpake it to the multitude, as by the firſt verſe is evident, among which in all likelihood were many phariſees, but out of doubt all of them phariſean diſciples, and bred up in their doctrine; from which extremes of errour and falſity Chriſt throughout his whole ſermon labours to reclaim the people. Secondly, ſaith he, "becauſe Chriſt forbids not only putting away, but marrying her who is put away." Acutely, as if the phariſees might not have offended as much in marrying the divorced, as in divorcing the married. The precept may bind all, rightly underſtood; and yet the vehement manner of giving it may be occaſioned only by the phariſees.

Finally, he winds up his text with much doubt and trepidation; for it may be his trenchers were not ſcraped, and that which never yet afforded corn of ſavour to his noddle, the ſaltcellar was not rubbed: and therefore in this haſte eaſily granting, that his anſwers fall foul upon each other, and praying, you would not think he writes as a prophet, but as a man, he runs to the black jack, fills his flaggon, ſpreads the table, and ſerves up dinner.

After waiting and voiding, he thinks to void my ſecond argument, and the contradictions that will follow both in the law and goſpel, if the Moſaic law were abrogated by our Saviour, and a compulſive prohibition fixed inſtead: and ſings his old ſong, "that the goſpel counts unlawful that which the law allowed," inſtancing in circumciſion, ſacrifices, waſhings. But what are theſe ceremonial

mial things to the changing of a moral point in houſehold duty, equally belonging to Jew and Gentile? Divorce was then right, now wrong; then permitted in the rigorous time of law now forbidden by law, even to the moſt extremely afflicted, in the favourable time of grace and freedom. But this is not for an unbuttoned fellow to diſcuſs in the garret at his treſtle, and dimenſion of candle by the ſnuff; which brought forth his ſculliony paraphraſe on St. Paul, whom he brings in diſcourſing ſuch idle ſtuff to the maids and widows, as his own ſervile inurbanity forbears not to put into the apoſtle's mouth, "of the ſoul's converſing:" and this he preſumes to do, being a bayard, who never had the ſoul to know what converſing means, but as his provender and the familiarity of the kitchen ſchooled his conceptions.

He paſſes to the third argument, like a boar in a vineyard, doing nought elſe, but ſtill as he goes champing and chewing over, what I could mean by this chimæra of a "fit converſing ſoul," notions and words never made for thoſe chops; but like a generous wine, only by overworking the ſettled mud of his fancy, to make him drunk, and diſgorge his vileneſs the more openly. All perſons of gentle breeding (I ſay "gentle," though this barrow grunt at the word) I know will apprehend, and be ſatisfied in what I ſpake, how unpleaſing and diſcontenting the ſociety of body muſt needs be between thoſe whoſe minds cannot be ſociable. But what ſhould a man ſay more to a ſnout in this pickle? What language can be low and degenerate enough?

The fourth argument which I had was, that marriage being a covenant, the very being whereof conſiſts in the performance of unfeigned love and peace; if that were not tolerably performed, the covenant became broke and revocable. Which how can any, in whoſe mind the principles of right reaſon and juſtice are not cancelled, deny? For how can a thing ſubſiſt, when the true eſſence thereof is diſſolved? Yet this he denies, and yet in ſuch a manner as alters my aſſertion; for he puts in, "though the main end be not attained in full meaſure:" but my poſition is, if it be not tolerably attained, as throughout the whole diſcourſe is apparent.

Now for his reaſons; "Heman found not that peace and ſolace which is the main end of communion with God, ſhould he therefore break off that communion?"

I anſwer, that if Heman found it not, the fault was certainly his own: but in marriage it happens far otherwiſe: ſometimes the fault is plainly not his who ſeeks divorce: ſometimes it cannot be diſcerned whoſe fault it is; and therefore cannot in reaſon or equity be the matter of an abſolute prohibition.

His other inſtance declares, what a right handicraftsman he is of petty caſes, and how unfit to be aught elſe at higheſt, but a hackney of the law. "I change houſes with a man; it is ſuppoſed I do it for my own ends; I attain them not in this houſe; I ſhall not therefore go from my bargain." How without fear might the young Charinus in Andria now cry out, "What likeneſs can be here to a marriage?" In this bargain was no capitulation, but the yielding of poſſeſſion to one another, wherein each of them had his ſeveral end apart. In marriage there is a ſolemn vow of love and fidelity each to other: this bargain is fully accompliſhed in the change; in marriage the covenant ſtill is in performing. If one of them perform nothing tolerably, but inſtead of love, abound in diſaffection, diſobedience, fraud, and hatred; what thing in the nature of a covenant ſhall bind the other to ſuch a perdurable miſchief? Keep to your problems of ten groats, theſe matters are not for pragmatics and folkmooters to babble in.

Concerning the place of Paul, "that God hath called us to peace," 1 Cor. vii, and therefore, certainly, if any where in this world, we have a right to claim it reaſonably in marriage; it is plain enough in the ſenſe which I gave, and confeſſed by Paræus, and other orthodox divines, to be a good ſenſe, and this anſwerer doth not weaken it. The other place, that "he who hateth, may put away." which, if I ſhow him, he promiſes to yield the whole controverſy, is, beſides Deut. xxiv, 1, Deut. xxi, 14, and before this, Exod. xxi, 8. Of Malachi I have ſpoken more in another place; and ſay again, that the beſt interpreters, all the ancient, and moſt of the

modern tranſlate it, as I cite it, and very few otherwiſe, whereof perhaps Junius is the chief.

Another thing troubles him, that marriage is called "the myſtery of joy." Let it ſtill trouble him; for what hath he to do either with joy or with myſtery? He thinks it frantic divinity to ſay, it is not the outward continuance of marriage that keeps the covenant of marriage whole; but whoſoever doth moſt according to peace and love, whether in marriage or divorce, he breaks marriage leaſt. If I ſhall ſpell it to him, he breaks marriage leaſt, is to ſay, he diſhonours not marriage; for leaſt is taken in the Bible, and other good authors, for, not at all. And a particular marriage a man may break, if for a lawful cauſe, and yet not break, that is, not violate, or diſhonour the ordinance of marriage. Hence thoſe two queſtions that follow are left ridiculous; and the maids at Aldgate, whom he flouts, are likely to have more wit than the ſerving-man at Addle-gate.

Whereas he taxes me of adding to the ſcripture in that I ſaid love only is the fulfilling of every commandment, I cited no particular ſcripture, but ſpake a general ſenſe, which might be collected from many places. For ſeeing love includes faith, what is there that can fulfil every commandment but only love? and I meant, as any intelligent reader might apprehend, every poſitive and civil commandment, whereof Chriſt hath taught us that man is the lord. It is not the formal duty of worſhip, or the ſitting ſtill, that keeps the holy reſt of ſabbath; but whoſoever doth moſt according to charity, whether he works or works not, he breaks the holy reſt of ſabbath leaſt. So marriage being a civil ordinance, made for man, not man for it; he who doth that which moſt accords with charity, firſt to himſelf, next to whom he next owes it, whether in marriage or divorce, he breaks the ordinance of marriage leaſt. And what in religious prudence can be charity to himſelf, and what to his wife, either in continuing, or in diſſolving the marriage-knot, hath been already oft enough diſcourſed. So that what St. Paul ſaith of circumciſion, the ſame I ſtick not to ſay of a civil ordinance, made to the good and comfort of

man, not to his ruin; marriage is nothing, and divorce is nothing, "but faith which worketh by love." And this I truſt none can miſtake.

Againſt the fifth argument, that a chriſtian, in a higher order of prieſthood than that levitical, is a perſon dedicate to joy and peace; and therefore needs not in ſubjection to a civil ordinance, made to no other end but for his good, (when without his fault he finds it impoſſible to be decently or tolerably obſerved) to plunge himſelf into immeaſurable diſtractions and temptations, above his ſtrength; againſt this he proves nothing, but gads into ſilly conjectures of what abuſes would follow, and with as good reaſon might declaim againſt the beſt things that are.

Againſt the ſixth argument, that to force the continuance of marriage between minds found utterly unfit and diſproportional, is againſt nature, and ſeems forbid under that allegorical precept of Moſes, "not to ſow a field with divers ſeeds, leſt both be defiled; not to plough with an ox and an aſs together, which I deduced by the pattern of St. Paul's reaſoning what was meant by not muzzling the ox; he rambles over a long narration, to tell us that "by the oxen are meant the preachers:" which is not doubted. Then he demands, "if this my reaſoning be like St. Paul's." And I anſwer him, yes. He replies, that ſure St. Paul would be aſhamed to reaſon thus. And I tell him, no. He grants that place which I alleged, 2 Cor. vi, of unequal yoking, may allude to that of Moſes, but ſays, "I cannot prove it makes to my purpoſe," and ſhows not firſt how he can diſprove it. Weigh, gentlemen, and conſider, whether my affirmations, backed with reaſon, may hold balance againſt the bare denials of this ponderous confuter, elected by his ghoſtly patrons to be my copeſmate.

Proceeding on to ſpeak of myſterious things in nature, I had occaſion to fit the language thereafter; matters not, for the reading of this odious fool, who thus ever, when he meets with aught above the cogitation of his breeding, leaves the noiſome ſtench of his rude ſlot behind him, maligning that any thing ſhould be ſpoke or underſtood

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above his own genuine baſeneſs; and gives ſentence that his confuting hath been employed about a frothy, immeritous, and undeſerving diſcourſe. Who could have believed ſo much inſolence durſt vent itſelf from out the hide of a varlet, as thus to cenſure that which men of mature judgment have applauded to be writ from good reaſon? But this contents him not, he falls now to rave in his barbarous abuſiveneſs; and why? a reaſon befitting ſuch an antificer, becauſe he ſaith the book is contrary to all human learning; whenas the world knows, that all both human and divine learning, till the canon law, allowed divorce by conſent, and for many cauſes without conſent. Next, he dooms it as contrary to truth; whenas it hath been diſputable among learned men, ever ſince it was prohibited: and is by Peter Martyr thought an opinion not impious, but hard to be refuted; and by Eraſmus deemed a doctrine ſo charitable and pious, as, if it cannot be uſed, were to be wiſhed it could; but is by Martin Bucer; a man of deareſt and moſt religious memory in the church, taught and maintained to be either moſt lawfully uſed, or moſt lawfully permitted. And for this, for I affirm no more than Bucer, what cenſure do you think, readers, he hath condemned the book to? To a death no leſs impious than to be burnt by the hangman. Mr. Licenſer, (for I deal not now with this caitiff, never worth my earneſt, and now not ſeaſonable for my jeſt,) you are reputed a man diſcreet enough, religious enough, honeſt enough, that is, to an ordinary competence in all theſe. But now your turn is, to hear what your own hand hath earned ye; that when you ſuffered this nameleſs hangman to caſt into public ſuch a deſpiteful contumely upon a name and perſon deſerving of the church and ſtate equally to yourſelf; and one who hath done more to the preſent advancement of your own tribe, than you or many of them have done for themſelves; you forgot to be either honeſt, religious, or diſcreet. Whatever the ſtate might do concerning it, ſuppoſed a matter to expect evil from, I ſhould not doubt to meet among them with wiſe, and honourable, and knowing men: but as to this brute libel, ſo much the more impudent

impudent and lawleſs for the abuſed authority which it bears; I ſay again, that I abominate the cenſure of raſcals and their licenſers.

With difficulty I return to what remains of this ignoble taſk, for the diſdain I have to change a period more with the filth and venom of this gourmand, ſwelled into a confuter; yet for the ſatisfaction of others I endure all this.

Againſt the ſeventh argument, that if the canon law and divines allow divorce for conſpiracy of death, they may as well allow it to avoid the ſame conſequence from the likelihood of natural cauſes.

Firſt, he denies that the canon ſo decrees.

I anſwer, that it decrees for danger of life, as much as for adultery, Decret. Gregor. l. 4, tit. 19, and in other places: and the beſt civilians, who cite the canon law, ſo collect, as Schneidewin in Inſtit. tit. 10, p. 4, de Divort. And indeed, who would have denied it, but one of a reprobate ignorance in all he meddles with?

Secondly, he ſaith the caſe alters; for there the offender, "who ſeeks the life, doth implicitly at leaſt act a divorce."

And I anſwer, that here nature, though no offender, doth the ſame. But if an offender, by acting a divorce, ſhall releaſe the offended, this is an ample grant againſt himſelf. He ſaith, nature teaches to ſave life from one who ſeeks it. And I ſay, ſhe teaches no leſs to ſave it from any other cauſe that endangers it. He ſaith, that here they are both actors. Admit they were, it would not be uncharitable to part them; yet ſometimes they are not both actors, but the one of them moſt lamentedly paſſive. So he concludes, we muſt not take advantage of our own faults and corruptions to releaſe us from our duties. But ſhall we take no advantage to ſave ourſelves from the faults of another, who hath annulled his right to our duty? No, ſays he, "let them die of the ſullens, and try who will pity them." Barbarian, the ſhame of all honeſt attorneys! why do they not hoiſe him over the bar and blanket him?

Againſt the eighth argument, that they who are deſti-

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tute of all marriageable gifts, except a body not plainly unfit, have not the calling to marry, and conſequently married and ſo found, may be divorced: this, he ſaith, is nothing to the purpoſe, and not fit to be anſwered. I leave it therefore to the judgment of his maſters.

Againſt the ninth argument, that marriage is a human ſociety, and ſo chiefly ſeated in agreement and unity of mind: if therefore the mind cannot have that due ſociety by marriage, that it may reaſonably and humanly deſire, it can be no human ſociety, and ſo not without reaſon divorcible: here he falſifies, and turns what the poſition required of a reaſonable agreement in the main matters of ſociety into an agreement in all things, which makes the opinion not mine, and ſo he leaves it.

At laſt, and in good hour, we are come to his farewell, which is to be a concluding taſte of his jabberment in law, the flaſhieſt and the fuſtieſt that ever corrupted in ſuch an unſwilled hogſhead.

Againſt my tenth argument, as he calls it, but as I intended it, my other poſition, "That divorce is not a thing determinable by a compulſive law, for that all law is for ſome good that may be frequently attained without the admixture of a worſe inconvenience: but the law forbidding divorce never attains to any good end of ſuch prohibition, but rather multiplies evil; therefore the prohibition of divorce is no good law." Now for his attorney's prize: but firſt, like a right cunning and ſturdy logician, he denies my argument, not mattering whether in the major or minor: and ſaith, "there are many laws made for good, and yet that good is not attained, through the defaults of the party, but a greater inconvenience follows."

But I reply, that this anſwer builds upon a ſhallow foundation, and moſt unjuſtly ſuppoſes every one in default, who ſeeks divorce from the moſt injurious wedlock. The default therefore will be found in the law itſelf; which is neither able to puniſh the offender, but the innocent muſt withal ſuffer; nor can right the innocent in what is chiefly ſought, the obtainment of love or quietneſs. His inſtances out of the common law are all

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ſo quite beſide the matter which he would prove, as may be a warning to all clients how they venture their buſineſs with ſuch a cockbrained ſolicitor. For being to ſhow ſome law of England, attaining to no good end, and yet through no default of the party, who is thereby debarred all remedy, he ſhows us only how ſome do loſe the benefit of good laws through their own default. His firſt example ſaith, "it is a juſt law that every one ſhall peaceably enjoy his eſtate in lands or otherwiſe." Does this law attain to no good end? The bar will bluſh at this moſt incogitant woodcock. But ſee if a draught of Littleton will recover him to his ſenſes. "If this man, having fee ſimple in his lands, yet will take a leaſe of his own lands from another, this ſhall be an eſtopple to him in an aſſize from the recovering of his own land."

Mark now and regiſter him! How many are there of ten thouſand who have ſuch a fee ſimple in their ſconce, as to take a leaſe of their own lands from another? So that this inconvenience lights upon ſcarce one in an age, and by his own default; and the law of enjoying each man his own is good to all others. But on the contrary, this prohibition of divorce is good to none, and brings inconvenience to numbers, who lie under intolerable grievances without their own default, through the wickedneſs or folly of another; and all this iniquity the law remedies not, but in a manner maintains. His other caſes are directly to the ſame purpoſe, and might have been ſpared, but that he is a tradeſman of the law, and muſt be borne with at his firſt ſetting up, to lay forth his beſt ware, which is only gibberiſh.

I have now done that, which for many cauſes I might have thought could not likely have been my fortune, to be put to this underwork of ſcouring and unrubbiſhing the low and ſordid ignorance of ſuch a preſumptuous lozel. Yet Hercules had the labour once impoſed upon him to carry dung out of the Augean ſtable. At any hand I would be rid of him: for I had rather, ſince the life of man is likened to a ſcene, that all my entrances and exits might mix with ſuch perſons only, whoſe worth erects them and their actions to a grave and tragic deportment,

deportment, and not to have to do with clowns and vices. But if a man cannot peaceably walk into the world, but muſt be infeſted; ſometimes at his face with dorrs and horſeflies, ſometimes beneath with bawling whippets and ſhin barkers, and theſe to be ſet on by plot and conſultation with a junto of clergymen and licenſers, commended alſo and rejoiced in by thoſe whoſe partiality cannot yet forgo old papiſtical principles; have I not cauſe to be in ſuch a manner defenſive, as may procure me freedom to paſs more unmoleſted hereafter by thoſe encumbrances, not ſo much regarded for themſelves, as for thoſe who incite them? And what defence can properly be uſed in ſuch a deſpicable encounter as this, but either the ſlap or the ſpurn? If they can afford me none but a ridiculous adverſary, the blame belongs not to me, though the whole diſpute be ſtrewed and ſcattered with ridiculous. And if he have ſuch an ambition to know no better who are his mates, but among thoſe needy thoughts, which, though his two faculties of ſerving-man and ſolicitor ſhould compound into one mongrel, would be but thin and meagre, if in this penury of ſoul he can be poſſible to have the luſtineſs to think of fame, let him but ſend me how he calls himſelf, and I may chance not fail to indorſe him on the backſide of poſterity, not a golden, but a brazen aſs. Since my fate extorts from me a talent of ſport, which I had thought to hide in a napkin, he ſhall be my Batrachomuomachia, my Bavius, my Calandrino, the common adagy of ignorance and overweening: nay, perhaps, as the provocation may be, I may be driven to curl up this gliding proſe into a rough ſotadic, that ſhall rhyme him into ſuch a condition, as inſtead of judging good books to be burnt by the executioner, he ſhall be readier to be his own hangman. Thus much to this nuiſance.

But as for the ſubject itſelf, which I have writ and now defend, according as the oppoſition bears; if any man equal to the matter ſhall think it appertains him to take in hand this controverſy, either excepting againſt aught written, or perſuaded he can ſhow better how this queſtion, of ſuch moment to be throughly known, may receive a true determination, not leaning on the old and rotten

rotten ſuggeſtions whereon it yet leans; if his intents be ſincere to the public, and ſhall carry him on without bitterneſs to the opinion, or to the perſon diſſenting; let him not, I entreat him, gueſs by the handling, which meritoriouſly hath been beſtowed on this object of contempt and laughter, that I account it any diſpleaſure done me to be contradicted in print: but as it leads to the attainment of any thing more true, ſhall eſteem it a benefit; and ſhall know how to return his civility and fair argument in ſuch a ſort, as he ſhall confeſs that to do ſo is my choice, and to have done thus was my chance.

THE

TENURE

OF

KINGS AND MAGISTRATES:

PROVING,

That it is lawful, and hath been held ſo through all ages, for any, who have the power, to call to account a TYRANT, or wicked KING, and, after due conviction, to depoſe, and put him to death; if the ordinary MAGISTRATE have neglected, or denied to do it.

*And that they, who of late ſo much blame Depoſing, are the men that did it themſelves.**

IF men within themſelves would be governed by reaſon, and not generally give up their underſtanding to a double tyranny, of cuſtom from without, and blind affections, within; they would diſcern better what it is to favour and uphold the tyrant of a nation. But being ſlaves within doors, no wonder that they ſtrive ſo much to have the public ſtate conformably governed to the inward vitious rule, by which they govern themſelves. For indeed none can love freedom heartily, but good men: the reſt love not freedom, but licence: which

* This tract, which was firſt publiſhed in February 1648-9, after the execution of king Charles, and is a defence of that action againſt the objections of the Preſbyterians, was, in the year 1650, republiſhed by the author with conſiderable additions, all which, omitted in every former edition of the author's works, are here carefully inſerted in their proper places. The copy which I uſe, after the above title, has the following ſentence; "Publiſhed now the ſecond time with ſome additions, and many teſtimonies alſo added out of the beſt and learnedeſt among proteſtant divines, aſſerting the poſition of this book." The paſſages here reſtored are marked with ſingle inverted commas.

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never hath more ſcope, or more indulgence than under tyrants. Hence is it, that tyrants are not oft offended, nor ſtand much in doubt of bad men, as being all naturally ſervile; but in whom virtue and true worth moſt is eminent, them they fear in earneſt, as by right their maſters; againſt them lies all their hatred and ſuſpicion. Conſequently neither do bad men hate tyrants, but have been always readieſt, with the falſified names of Loyalty and Obedience, to colour over their baſe compliances. And although ſometimes for ſhame, and when it comes to their own grievances, of purſe eſpecially, they would ſeem good patriots, and ſide with the better cauſe, yet when others for the deliverance of their country endued with fortitude and heroic virtue, to fear nothing but the curſe written againſt thoſe "that do the work of the Lord negligently*," would go on to remove, not only the calamities and thraldoms of a people, but the roots and cauſes whence they ſpring; ſtraight theſe men, and ſure helpers at need, as if they hated only the miſeries, but not the miſchiefs, after they have juggled and paltered with the world, bandied and borne arms againſt their king, diveſted him, diſanointed him, nay curſed him all over in their pulpits, and their pamphlets, to the engaging of ſincere and real men beyond what is poſſible or honeſt to retreat from, not only turn revolters from thoſe principles, which only could at firſt move them, but lay the ſtain of diſloyalty, and worſe, on thoſe proceedings, which are the neceſſary conſequences of their own former actions; nor diſliked by themſelves, were they managed to the entire advantages of their own faction; not conſidering the while that he, toward whom they boaſted their new fidelity, counted them acceſſory; and by thoſe ſtatutes and laws, which they ſo impotently brandiſh againſt others, would have doomed them to a traitor's death for what they have done already. It is true, that moſt men are apt enough to civil wars and commotions as a novelty, and for a flaſh hot and active; but through ſloth or inconſtancy, and weakneſs of ſpirit, either fainting ere their own pre-

* Jer. xlviii. 1.

tences,

tences, though never ſo juſt, be half attained, or, through an inbred falſehood and wickedneſs, betray oftimes to deſtruction with themſelves men of nobleſt temper joined with them for cauſes, whereof they in their raſh undertakings were not capable. If God and a good cauſe give them victory, the proſecution whereof for the moſt part inevitably draws after it the alteration of laws, change of government, downfall of princes with their families; then comes the taſk to thoſe worthies, which are the ſoul of that enterpriſe, to be ſweat and laboured out amidſt the throng and noſes of vulgar and irrational men. Some conteſting for privileges, cuſtoms, forms, and that old entanglement of iniquity, their gibberiſh laws, though the badge of their ancient ſlavery. Others, who have been fierceſt againſt their prince, under the notion of a tyrant, and no mean incendiaries of the war againſt him, when God, out of his providence and high diſpoſal hath delivered him into the hand of their brethren, on a ſudden and in a new garb of allegiance, which their doings have long ſince cancelled, they plead for him, pity him, extol him, proteſt againſt thoſe that talk of bringing him to the trial of juſtice, which is the ſword of God, ſuperior to all mortal things, in whoſe hand ſoever by apparent ſigns his teſtified will is to put it. But certainly, if we conſider who and what they are, on a ſudden grown ſo pitiful, we may conclude their pity can be no true and chriſtian commiſeration, but either levity and ſhallowneſs of mind, or elſe a carnal admiring of that worldly pomp and greatneſs, from whence they ſee him fallen; or rather, laſtly, a diſſembled and ſeditious pity, feigned of induſtry to beget new diſcord. As for mercy, if it be to a tyrant, under which name they themſelves have cited him ſo oft in the hearing of God, of Angels, and the holy church aſſembled, and there charged him with the ſpilling of more innocent blood by far, than ever Nero did, undoubtedly the mercy which they pretend is the mercy of wicked men, and "their mercies*," we read, "are cruelties;" hazarding the welfare of a whole nation, to have ſaved

* Prov. xii. 10.

one whom they ſo oft have termed Agag, and villifying the blood of many Jonathans that have ſaved Iſrael; inſiſting with much niceneſs on the unneceſſarieſt clauſe of their covenant wreſted, wherein the fear of change and the abſurd contradiction of a flattering hoſtility had hampered them, but not ſcrupling to give away for compliments, to an implacable revenge, the heads of many thouſand chriſtians more.

Another ſort there is, who coming in the courſe of theſe affairs, to have their ſhare in great actions above the form of law or cuſtom, at leaſt to give their voice and approbation; begin to ſwerve and almoſt ſhiver at the majeſty and grandeur of ſome noble deed, as if they were newly entered into a great ſin; diſputing precedents, forms, and circumſtances, when the commonwealth nigh periſhes for want of deeds in ſubſtance, done with juſt and faithful expedition. To theſe I wiſh better inſtruction, and virtue equal to their calling; the former of which, that is to ſay inſtruction, I ſhall endeavour, as my duty is, to beſtow on them; and exhort them not to ſtartle from the juſt and pious reſolution of adhering with all their ſtrength and aſſiſtance to the preſent parliament and army, in the glorious way wherein juſtice and victory hath ſet them; the only warrants through all ages, next under immediate revelation, to exerciſe ſupreme power; in thoſe proceedings, which hitherto appear equal to what hath been done in any age or nation heretofore juſtly or magnanimouſly. Nor let them be diſcouraged or deterred by any new apoſtate ſcarecrows, who, under ſhow of giving counſel, ſend out their barking monitories and mementoes, empty of aught elſe but the ſpleen of a fruſtrated faction. For how can that pretended counſel be either ſound or faithful, when they that give it ſee not, for madneſs and vexation of their ends loſt, that thoſe ſtatutes and ſcriptures, which both falſely and ſcandalouſly they wreſt againſt their friends and aſſociates, would by ſentence of the common adverſary fall firſt and heavieſt upon their own heads? Neither let mild and tender diſpoſitions be fooliſhly ſoftened from their duty and perſeverance with the unmaſculine rhetoric of any puling prieſt or chaplain,

lain, ſent as a friendly letter of advice, for faſhion's ſake in private, and forthwith publiſhed by the ſender himſelf, that we may know how much of friend there was in it, to caſt an odious envy upon them to whom it was pretended to be ſent in charity. Nor let any man be deluded by either the ignorance, or the notorious hypocriſy and ſelf-repugnance of our dancing divines, who have the conſcience and the boldneſs to come with ſcripture in their mouths, gloſſed and fitted for their turns with a double contradictory ſenſe, transforming the ſacred verity of God to an idol with two faces, looking at once two ſeveral ways; and with the ſame quotations to charge others, which in the ſame caſe they made ſerve to juſtify themſelves. For while the hope to be made claſſic and provincial lords led them on, while pluralities greaſed them thick and deep, to the ſhame and ſcandal of religion, more than all the ſects and hereſies they exclaim againſt; then to fight againſt the king's perſon, and no leſs a party of his lords and commons, or to put force upon both the houſes, was good, was lawful, was no reſiſting of ſuperior powers; they only were powers not to be reſiſted, who countenanced the good, and puniſhed the evil. But now that their cenſorious domineering is not ſuffered to be univerſal, truth and conſcience to be freed, tithes and pluralities to be no more, though competent allowance provided, and the warm experience of large gifts, and they ſo good at taking them; yet now to exclude and ſeize upon impeached members, to bring delinquents without exemption to a fair tribunal by the common national law againſt murder, is now to be no leſs than Corah, Dathan, and Abiram. He who but erewhile in the pulpits was a curſed tyrant, an enemy to God and ſaints, laden with all the innocent blood ſpilt in three kingdoms, and ſo to be fought againſt; is now, though nothing penitent or altered from his firſt principles, a lawful magiſtrate, a ſovereign lord, the Lord's anointed, not to be touched, though by themſelves impriſoned. As if this only were obedience, to preſerve the mere uſeleſs bulk of his perſon, and that only in priſon, not in the field, and to diſobey his commands, deny him his dignity and office,

every where to reſiſt his power, but where they think it only ſurviving in their own faction.

But who in particular is a tyrant, cannot be determined in a general diſcourſe, otherwiſe than by ſuppoſition; his particular charge, and the ſufficient proof of it muſt determine that: which I leave to magiſtrates, as leaſt to the uprighter ſort of them, and of the people, though in number leſs by many, in whom faction leaſt hath prevailed above the law of nature and right reaſon, to judge as they find cauſe. But this I dare own as part of my faith, that if ſuch a one there be, by whoſe commiſſion whole maſſacres have been committed on his faithful ſubjects, his provinces offered to pawn or alienation, as the hire of thoſe whom he had ſolicited to come in and deſtroy whole cities and countries; be he king, or tyrant, or emperor, the ſword of juſtice is above him; in whoſe hand ſoever is found ſufficient power to avenge the effuſion, and ſo great a deluge of innocent blood. For if all human power to execute, not accidentally but intendedly the wrath of God upon evil doers without exception, be of God; then that power, whether ordinary, or if that fail, extraordinary, ſo executing that intent of God, is lawful, and not be reſiſted. But to unfold more at large this whole queſtion, though with all expedient brevity, I ſhall here ſet down, from firſt beginning, the original of kings; how and wherefore exalted to that dignity above their brethren; and from thence ſhall prove, that turning to tyranny they may be as lawfully depoſed and puniſhed, as they were at firſt elected: this I ſhall do by authorities and reaſons, not learnt in corners among ſchiſms and hereſies, as our doubling divines are ready to calumniate, but fetched out of the midſt of choiceſt and moſt authentic learning, and no prohibited authors; nor many heathen, but moſaical, chriſtian, orthodoxal, and which muſt needs be more convincing to our adverſaries, preſbyterial.

No man, who knows aught, can be ſo ſtupid to deny, that all men naturally were born free, being the image and reſemblance of God himſelf, and were, by privilege above all the creatures, born to command, and not to obey: and that they lived ſo, till from the root of

Adam's tranſgreſſion, falling among themſelves to do wrong and violence, and foreſeeing that ſuch courſes muſt needs tend to the deſtruction of them all, they agreed by common league to bind each other from mutual injury, and jointly to defend themſelves againſt any, that gave diſturbance or oppoſition to ſuch agreement. Hence came cities, towns and commonwealths. And becauſe no faith in all was found ſufficiently binding, they ſaw it needful to ordain ſome authority, that might reſtrain by force and puniſhment what was violated againſt peace and common right. This authority and power of ſelf-defence and preſervation being originally and naturally in every one of them, and unitedly in them all; for eaſe, for order, and leſt each man ſhould be his own partial judge, they communicated and derived either to one, whom for the eminence of his wiſdom and integrity they choſe above the reſt, or to more than one, whom they thought of equal deſerving: the firſt was called a king; the other, magiſtrates: not to be their lords and maſters (though afterward thoſe names in ſome places were given voluntarily to ſuch as had been authors of ineſtimable good to the people) but to be their deputies and commiſſioners, to execute, by virtue of their intruſted power, that juſtice, which elſe every man by the bond of nature and of covenant muſt have executed for himſelf, and for one another. And to him that ſhall conſider well, why among free perſons one man by civil right ſhould bear authority and juriſdiction over another; no other end or reaſon can be imaginable. Theſe for a while governed well, and with much equity decided all things at their own arbitrement: till the temptation of ſuch a power, left abſolute in their hands, perverted them at length to injuſtice and partiality. Then did they, who now by trial had found the danger and inconveniences of committing arbitrary power to any, invent laws either framed or conſented to by all; that ſhould confine and limit the authority of whom they choſe to govern them: that ſo man, of whoſe failing they had proof, might no more rule over them, but law and reaſon, abſtracted as much as might be from perſonal errours and frailties. 'While, as the magiſtrate

was ſet above the people, ſo the law was ſet above the magiſtrate.' When this would not ſerve, but that the law was either not executed, or miſapplied, they were conſtrained from that time, the only remedy left them, to put conditions and take oaths from all kings and magiſtrates at their firſt inſtalment to do impartial juſtice by law: who upon thoſe terms and no other, received allegiance from the people, that is to ſay, bond or covenant to obey them in execution of thoſe laws, which they the people had themſelves made or aſſented to. And this ofttimes with expreſs warning, that if the king or magiſtrate proved unfaithful to his truſt, the people would be diſengaged. They added alſo counſellors and parliaments, not to be only at his beck, but with him or without him, at ſet times, or at all times, when any danger threatened, to have care of the public ſafety. Therefore ſaith Claudius Seſell, a French ſtateſman, "The parliament was ſet as a bridle to the king;" which I inſtance rather, 'not becauſe our Engliſh lawyers have not ſaid the ſame long before, but' becauſe that French monarchy is granted by all to be a far more abſolute one than ours. That this and the reſt of what hath hitherto been ſpoken is moſt true, might be copiouſly made appear throughout all ſtories heathen and chriſtian; even of thoſe nations, where kings and emperors have ſought means to aboliſh all ancient memory of the people's right by their encroachments and uſurpations. But I ſpare long inſertions, appealing to the German, French, Italian, Arragonian, Engliſh, and not leaſt the Scottiſh hiſtories: not forgetting this only by the way, that William the Norman, though a conqueror, and not unſworn at his coronation, was compelled, a ſecond time to take oath at St. Albans, ere the people would be brought to yield obedience.

It being thus manifeſt, that the power of kings and magiſtrates is nothing elſe, but what is only derivative, transferred and committed to them in truſt from the people to the common good of them all, in whom the power yet remains fundamentally, and cannot be taken from them, without a violation of their natural birthright; and ſeeing that from hence Ariſtotle, and the beſt

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of political writers, have defined a king, "him who governs to the good and profit of his people, and not for his own ends;" it follows from neceſſary cauſes, that the titles of ſovereign lord, natural lord, and the like, are either arrogancies, or flatteries, not admitted by emperors and kings of beſt note, and diſliked by the church both of Jews, (Iſai. xxvi, 13,) and ancient Chriſtians, as appears by Tertullian and others. Although generally the people of Aſia, and with them the Jews alſo, eſpecially ſince the time they choſe a king againſt the advice and counſel of God, are noted by wiſe authors much inclinable to ſlavery.

Secondly, that to ſay, as is uſual, the king hath as good right to his crown and dignity, as any man to his inheritance, is to make the ſubject no better than the king's ſlave, his chattel, or his poſſeſſion that may be bought and ſold: and doubtleſs, if hereditary title were ſufficiently inquired, the beſt foundation of it would be found but either in courteſy or convenience. But ſuppoſe it to be of right hereditary, what can be more juſt and legal, if a ſubject for certain crimes be to forfeit by law from himſelf and poſterity all his inheritance to the king, than that a king for crimes proportional ſhould forfeit all his title and inheritance to the people? Unleſs the people muſt be thought created all for him, he not for them, and they all in one body inferior to him ſingle; which were a kind of treaſon againſt the dignity of mankind to affirm.

Thirdly, it follows, that, to ſay kings are accountable to none but God, is the overturning of all law and government. For if they may refuſe to give account, then all covenants made with them at coronation, all oaths are in vain, and mere mockeries; all laws which they ſwear to keep, made to no purpoſe: for if the king fear not God, (as how many of them do not?) we hold then our lives and eſtates by the tenure of his mere grace and mercy, as from a God, not a mortal magiſtrate; a poſition that none but court-paraſites or men beſotted would maintain! 'Ariſtotle therefore, whom we commonly allow for one of the beſt interpreters of nature and morality, writes in the fourth of his Politics, chap. x, that

"monarchy unaccountable, is the worſt ſort of tyranny; and leaſt of all to be endured by freeborn men".' And ſurely no chriſtian prince, not drunk with high mind, and prouder than thoſe pagan Cæſars that deified themſelves, would arrogate ſo unreaſonably above human condition, or derogate ſo baſely from a whole nation of men his brethren, as if for him only ſubſiſting, and to ſerve his glory, valuing them in compariſon of his own brute will and pleaſure no more than ſo many beaſts, or vermin under his feet, not to be reaſoned with, but to be trod on; among whom there might be found ſo many thouſand men for wiſdom, virtue, nobleneſs of mind, and all other reſpects but the fortune of his dignity, far above him. Yet ſome would perſuade us that this abſurd opinion was king David's, becauſe in the li pſalm he cries out to God, "Againſt thee only have I ſinned;" as if David had imagined, that to murder Uriah and adulterate his wife had been no ſin againſt his neighbour, whenas that law of Moſes was to the king expreſsly, Deut. xvii, not to think ſo highly of himſelf above his brethren. David therefore by thoſe words could mean no other, than either that the depth of his guiltineſs was known to God only, or to ſo few as had not the will or power to queſtion him, or that the ſin againſt God was greater beyond compare than againſt Uriah. Whatever his meaning were, any wiſe man will ſee, that the pathetical words of a pſalm can be no certain deciſion to a point that hath abundantly more certain rules to go by. How much more rationally ſpake the Heathen king Demophoön in a tragedy of Euripides, than theſe interpreters would put upon king David? "I rule not my people by tyranny, as if they were barbarians, but am myſelf liable, if I do unjuſtly, to ſuffer juſtly." Not unlike was the ſpeech of Trajan the worthy emperor, to one whom he made general of his prætorian forces: "Take this drawn ſword," ſaith he, "to uſe for me, if I reign well; if not, to uſe againſt me." Thus Dion relates. And not Trajan only, but Theodoſius the younger, a chriſtian emperor, and one of the beſt, cauſed it to be enacted as a rule undeniable and fit to be acknowledged by all kings and emperors, that a prince is bound

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to the laws; that on the authority of law the authority of a prince depends, and to the laws ought to ſubmit. Which edict of his remains yet unrepealed in the Code of Juſtinian, l. 1, tit. 24, as a ſacred conſtitution to all the ſucceeding emperors. How then can any king in Europe maintain and write himſelf accountable to none but God, when emperors in their own imperial ſtatutes have written and decreed themſelves accountable to law? And indeed where ſuch account is not feared, he that bids a man reign over him above law, may bid as well a ſavage beaſt.

It follows, laſtly, that ſince the king or magiſtrate holds his authority of the people, both originally and naturally for their good in the firſt place, and not his own; then may the people, as oft as they ſhall judge it for the beſt, either chooſe him or reject him, retain him or depoſe him though no tyrant, merely by the liberty and right of freeborn men to be governed as ſeems to them beſt. This, though it cannot but ſtand with plain reaſon, ſhall be made good alſo by Scripture, Deut. xvii, 14. "When thou art come into the land, which the Lord thy God giveth thee, and ſhalt ſay, I will ſet a king over me, like as all the nations about me." Theſe words confirm us that the right of chooſing, yea of changing their own government, is by the grant of God himſelf in the people. And therefore when they deſired a king, though then under another form of government, and though their changing diſpleaſed him, yet he that was himſelf their king, and rejected by them, would not be a hinderance to what they intended, further than by perſuaſion, but that they might do therein as they ſaw good, 1 Sam. viii, only he reſerved to himſelf the nomination of who ſhould reign over them. Neither did that exempt the king, as if he were to God only accountable, though by his eſpecial command anointed. Therefore "David firſt made a covenant with the elders of Iſrael, and ſo was by them anointed king," 2 Sam. v, 3, 1 Chron. xi. And Jehoiada the prieſt, making Jehoaſh king, made a covenant between him and the people, 2 Kings xi, 17. Therefore when Roboam, at his coming to the crown, rejected thoſe conditions, which

which the Iſraelites brought him, hear what they anſwer him, "What portion have we in David, or inheritance in the ſon of Jeſſe? See to thine own houſe David." And for the like conditions not performed, all Iſrael before that time depoſed Samuel; not for his own default, but for the miſgovernment of his ſons. But ſome will ſay to both theſe examples, it was evilly done. I anſwer, that not the latter, becauſe it was expreſsly allowed them in the law, to ſet up a king if they pleaſed; and God himſelf joined with them in the work; though in ſome ſort it was at that time diſpleaſing to him, in reſpect of old Samuel, who had governed them uprightly. As Livy praiſes the Romans, who took occaſion from Tarquinius, a wicked prince, to gain their liberty, which to have extorted, ſaith he, from Numa, or any of the good kings before, had not been ſeaſonable. Nor was it in the former example done unlawfully; for when Roboam had prepared a huge army to reduce the Iſraelites, he was forbidden by the prophet, 1 Kings xii, 24. "Thus ſaith the Lord, ye ſhall not go up, nor fight againſt your brethren, for this thing is from me." He calls them their brethren, not rebels, and forbids to be proceeded againſt them, owning the thing himſelf, not by ſingle providence, but by approbation, and that not only of the act, as in the former example, but of the fit ſeaſon alſo; he had not otherwiſe forbid to moleſt them. And thoſe grave and wiſe counſellors, whom Rehoboam firſt adviſed with, ſpake no ſuch thing, as our old gray-headed flatterers now are wont, ſtand upon your birthright, ſcorn to capitulate, you hold of God, not of them; for they knew no ſuch matter, unleſs conditionally, but gave him politic council, as in a civil tranſaction. Therefore kingdom and magiſtracy, whether ſupreme or ſubordinate, is called "a human ordinance," 1 Pet. ii, 13, &c.; which we are there taught is the will of God we ſhould ſubmit to, ſo far as for the puniſhment of evil doers, and the encouragement of them that do well. "Submit," ſaith he, "as free men." 'But to any civil power unaccountable, unqueſtionable, and not to be reſiſted, no not in wickedneſs, and violent actions, how can we ſubmit as free men?' "There is no power but of God," ſaith Paul,

Paul, Rom. xiii, as much as to ſay, God put it into man's heart to find out that way at firſt for common peace and preſervation, approving the exerciſe thereof; elſe it contradicts Peter, who calls the ſame authority an ordinance of man. It muſt be alſo underſtood of lawful and juſt power, elſe we read of great power in the affairs and kingdoms of the world permitted to the devil: for ſaith he to Chriſt, Luke iv, 6, all this power will I give thee, and the glory of them, for it is delivered to me, and to whomſoever I will, I give it: neither did he lie, or Chriſt gainſay what he affirmed; for in the thirteenth of the Revelation we read how the dragon gave to the beaſt his power, his ſeat, and great authority: which beaſt ſo authorized moſt expound to be the tyrannical powers and kingdoms of the earth. Therefore Saint Paul in the forecited chapter tells us, that ſuch magiſtrates he means, as are not a terrour to the good, but to the evil, ſuch as bear not the ſword in vain, but to puniſh offenders, and to encourage the good. If ſuch only be mentioned here as powers to be obeyed, and our ſubmiſſion to them only required, then doubtleſs thoſe powers, that do the contrary, are no powers ordained of God; and by conſequence no obligation laid upon us to obey or not to reſiſt them. And it may be well obſerved, that both theſe apoſtles, whenever they give this precept, expreſs it in terms not concrete, but abſtract, as logicians are wont to ſpeak; that is, they mention the ordinance, the power, the authority, before the perſons that execute it; and what that power is, leſt we ſhould be deceived, they deſcribe exactly. So that if the power be not ſuch, or the perſon execute not ſuch power, neither the one nor the other is of God, but of the devil, and by conſequence to be reſiſted. From this expoſition Chryſoſtom alſo on the ſame place diſſents not; explaining that theſe words were not written in behalf of a tyrant. And this is verified by David, himſelf a king, and likelieſt to be the author of the pſalm xciv, 20, which ſaith, "Shall the throne of iniquity have fellowſhip with thee?" And it were worth the knowing, ſince kings in theſe days, and that by Scripture, boaſt the juſtneſs of their title, by holding it immediately of God, yet cannot ſhow the time when

when God ever ſet on the throne them or their fore-fathers, but only when the people choſe them; why by the ſame reaſon, ſince God aſcribes as oft to himſelf the caſting down of princes from the throne, it ſhould not be thought as lawful, and as much from God when none are ſeen to do it but the people, and that for juſt cauſes. For if it needs muſt be a ſin in them to depoſe, it may as likely be a ſin to have elected. And contrary, if the people's act in election be pleaded by a king, as the act of God, and the moſt juſt title to enthrone him, why may not the people's act of rejection be as well pleaded by the people as the act of God, and the moſt juſt reaſon to depoſe him? So that we ſee the title and juſt right of reigning or depoſing in reference to God, is found in Scripture to be all one; viſible only in the people, and depending merely upon juſtice and demerit. Thus far hath been conſidered chiefly the power of kings and magiſtrates; how it was and is originally the people's, and by them conferred in truſt only to be employed to the common peace and benefit; with liberty therefore and right remaining in them, to reaſſume it to themſelves, if by kings or magiſtrates it be abuſed; or to diſpoſe of it by any alteration, as they ſhall judge moſt conducing to the public good.

We may from hence with more eaſe and force of argument determine what a tyrant is, and what the people may do againſt him. A tyrant, whether by wrong or by right coming to the crown, is he who, regarding neither law nor the common good, reigns only for himſelf and his faction: thus St. Baſil among others defines him. And becauſe his power is great, his will boundleſs and exorbitant, the fulfilling whereof is for the moſt part accompanied with innumerable wrongs and oppreſſions of the people, murders, maſſacres, rapes, adulteries, deſolation, and ſubverſion of cities and whole provinces; look how great a good and happineſs a juſt king is, ſo great a miſchief is a tyrant; as he the public father of his country, ſo this the common enemy. Againſt whom what the people lawfully may do, as againſt a common peſt, and deſtroyer of mankind, I ſuppoſe no man of clear judgment need go further to be guided than by the very

very principles of nature in him. But becauſe it is the vulgar folly of men to deſert their own reaſon, and ſhutting their eyes to think they ſee beſt with other men's, I ſhall ſhow by ſuch examples as ought to have moſt weight with us, what hath been done in this caſe heretofore. The Greeks and Romans, as their prime authors witneſs, held it not only lawful, but a glorious and heroic deed, rewarded publicly with ſtatues and garlands, to kill an infamous tyrant at any time without trial: and but reaſon, that he, who trod down all law, ſhould not be vouchſafed the benefit of law. Inſomuch that Seneca the tragedian brings in Hercules, the grand ſuppreſſor of tyrants, thus ſpeaking;

> ———Victima haud ulla amplior
> Poteſt, magiſque opima mactari Jovi
> Quam rex iniquus———
>
> ———There can be ſlain
> No ſacrifice to God more acceptable
> Than an unjuſt and wicked king———

But of theſe I name no more, leſt it be objected they were Heathen; and come to produce another ſort of men, that had the knowledge of true religion. Among the Jews this cuſtom of tyrant-killing was not unuſual. Firſt Ehud, a man whom God had raiſed to deliver Iſrael from Eglon king of Moab, who had conquered and ruled over them eighteen years, being ſent to him as an ambaſſador with a preſent, ſlew him in his own houſe. But he was a foreign prince, an enemy, and Ehud beſides had ſpecial warrant from God. To the firſt I anſwer, it imports not whether foreign or native: for no prince ſo native but profeſſes to hold by law; which when he himſelf overturns, breaking all the covenants and oaths that gave him title to his dignity, and were the bond and alliance between him and his people, what differs he from an outlandiſh king, or from an enemy? For look how much right the king of Spain hath to govern us at all, ſo much right hath the king of England to govern us tyrannically. If he, though not bound to us by any league, coming from Spain in perſon to ſubdue us, or to deſtroy us,

us, might lawfully by the people of England either be ſlain in fight, or put to death in captivity, what hath a native king to plead, bound by ſo many covenants, benefits, and honours, to the welfare of his people; why he through the contempt of all laws and parliaments, the only tie of our obedience to him, for his own will's ſake, and a boaſted prerogative unaccountable, after ſeven years warring and deſtroying of his beſt ſubjects, overcome, and yielded priſoner, ſhould think to ſcape unqueſtionable, as a thing divine, in reſpect of whom ſo many thouſand Chriſtians deſtroyed ſhould lie unaccounted for, poluting with their ſlaughtered carcaſſes all the land over, and crying for vengeance againſt the living that ſhould have righted them? Who knows not that there is a mutual bond of amity and brotherhood between man and man over all the world, neither is it the Engliſh ſea that can ſever us from that duty and relation: a ſtraiter bond yet there is between fellow-ſubjects, neighbours, and friends. But when any of theſe do one to another ſo as hoſtility could do no worſe, what doth the law decree leſs againſt them, than open enemies and invaders? or if the law be not preſent or too weak, what doth it warrant us to leſs than ſingle defence or civil war? and from that time forward the law of civil defenſive war differs nothing from the law of foreign hoſtility. Nor is it diſtance of place that makes enmity, but enmity that makes diſtance. He therefore that keeps peace with me, near or remote, of whatſoever nation, is to me, as far as all civil and human offices, an Engliſhman and a neighbour: but if an Engliſhman, forgetting all laws, human, civil and religious, offend againſt life and liberty, to him offended and to the law in his behalf, though born in the ſame womb, he is no better than a Turk, a Saracen, a Heathen. This is goſpel, and this was ever law among equals; how much rather then in force againſt any king whatever, who in reſpect of the people is confeſſed inferior and not equal: to diſtinguiſh therefore of a tyrant by outlandiſh, or domeſtic, is a weak evaſion. To the ſecond, that he was an enemy; I anſwer, what tyrant is not? yet Eglon by the Jews had been acknowledged as their ſovereign, they had ſerved him eighteen years, as long

long almoſt as we our William the conqueror, in all which he could not be ſo unwiſe a ſtateſman, but to have taken of them oaths of fealty and allegiance; by which they made themſelves his proper ſubjects, as their homage and preſent ſent by Ehud teſtified. To the third, that he had ſpecial warrant to kill Eglon in that manner, it cannot be granted, becauſe not expreſſed; it is plain, that he was raiſed by God to be a deliverer, and went on juſt principles, ſuch as were then and ever held allowable to deal ſo by a tyrant, that could no otherwiſe be dealt with. Neither did Samuel, though a prophet, with his own hand abſtain from Agag; a foreign enemy, no doubt; but mark the reaſon, "As thy ſword hath made women childleſs;" a cauſe that by the ſentence of law itſelf nullifies all relations. And as the law is between brother and brother, father and ſon, maſter and ſervant, wherefore not between king or rather tyrant and people? And whereas Jehu had ſpecial command to ſlay Jehoram a ſucceſſive and hereditary tyrant, it ſeems not the leſs imitable for that; for where a thing grounded ſo much on natural reaſon hath the addition of a command from God, what does it but eſtabliſh the lawfulneſs of ſuch an act? Nor is it likely that God, who had ſo many ways of puniſhing the houſe of Ahab, would have ſent a ſubject againſt his prince, if the fact in itſelf, as done to a tyrant, had been of bad example. And if David refuſed to lift his hand againſt the Lord's anointed, the matter between them was not tyranny, but private enmity, and David as a private perſon had been his own revenger, not ſo much the people's: but when any tyrant at this day can ſhow himſelf to be the Lord's anointed, the only mentioned reaſon why David withheld his hand, he may then, but not till then preſume on the ſame privilege.

We may paſs therefore hence to chriſtian times. And firſt our Saviour himſelf, how much he favoured tyrants, and how much intended they ſhould be found or honoured among Chriſtians, declares his mind not obſcurely; accounting their abſolute authority no better than Gentiliſm, yea though they flouriſhed it over with the ſplendid name of benefactors; charging thoſe that would be his diſciples to uſurp no ſuch dominion; but that

they,

they, who were to be of moſt authority among them, ſhould eſteem themſelves miniſters and ſervants to the public. Mat. xx, 25, "The princes of the Gentiles exerciſe lordſhip over them; and Mark x, 42, "They that ſeem to rule," ſaith he, either ſlighting or accounting them no lawful rulers; "but ye ſhall not be ſo, but the greateſt among you ſhall be your ſervant." And although he himſelf were the meekeſt, and came on earth to be ſo, yet to a tyrant we hear him not vouchſafe an humble word: but "Tell that fox," Luke xiii. 'So far we ought to be from thinking that Chriſt and his goſpel ſhould be made a ſanctuary for tyrants from juſtice, to whom his law before never gave ſuch protection.' And wherefore did his mother the virgin Mary give ſuch praiſe to God in her prophetic ſong, that he had now by the coming of Chriſt, cut down dynaſtas, or proud monarchs, from the throne, if the church, when God manifeſts his power in them to do ſo, ſhould rather chooſe all miſery and vaſſalage to ſerve them, and let them ſtill ſit on their potent ſeats to be adored for doing miſchief? Surely it is not for nothing, that tyrants by a kind of natural inſtinct both hate and fear none more than the true church and ſaints of God, as the moſt dangerous enemies and ſubverters of monarchy, though indeed of tyranny; hath not this been the perpetual cry of courtiers, and court-prelates? whereof no likelier cauſe can be alleged, but that they well diſcerned the mind and principles of moſt devout and zealous men, and indeed the very diſcipline of church, tending to the diſſolution of all tyranny. No marvel then if ſince the faith of Chriſt received, in purer or impurer times, to depoſe a king and put him to death for tyranny, hath been accounted ſo juſt and requiſite, that neighbour kings have both upheld and taken part with ſubjects in the action. And Ludovicus Pius, himſelf an emperor, and ſon of Charles the Great, being made judge (du Haillan is my author) between Milegaſt king of the Vultzes and his ſubjects who had depoſed him, gave his verdict for the ſubjects, and for him whom they had choſen in his room. Note here, that the right of electing whom they pleaſe is by the impartial teſtimony of an emperor in the people:

for,

for, ſaid he, "A juſt prince ought to be preferred before an unjuſt, and the end of government before the prerogative." And Conſtantinus Leo, another emperor, in the Byzantine laws ſaith, "That the end of a king is for the general good, which he not performing, is but the counterfeit of a king." And to prove, that ſome of our own monarchs have acknowledged, that their high office exempted them not from puniſhment, they had the ſword of St. Edward borne before them by an officer, who was called earl of the palace, even at the times of their higheſt pomp and ſolemnities; to mind them, ſaith Matthew Paris, the beſt of our hiſtorians, "that if they erred, the ſword had power to reſtrain them." And what reſtraint the ſword comes to at length, having both edge and point, if any ſceptic will doubt, let him feel. It is alſo affirmed from diligent ſearch made in our ancient books of law, that the peers and barons of England had a legal right to judge the king: which was the cauſe moſt likely, (for it could be no ſlight cauſe,) that they were called his peers, or equals. This however may ſtand immovable, ſo long as man hath to deal with no better than man; that if our law judge all men to the loweſt by their peers, it ſhould in all equity aſcend alſo, and judge the higheſt. And ſo much I find both in our own and foreign ſtory, that dukes, earls, and marquiſſes were at firſt not hereditary, not empty and vain titles, but names of truſt and office, and with the office ceaſing; as induces me to be of opinion, that every worthy man in parliament, (for the word baron imports no more,) might for the public good be thought a fit peer and judge of the king; without regard had to petty caveats and circumſtances, the chief impediment in high affairs, and ever ſtood upon moſt by circumſtantial men. Whence doubtleſs our anceſtors who were not ignorant with what rights either nature or ancient conſtitution had endowed them; when oaths both at coronation, and renewed in parliament would not ſerve, thought it no way illegal, to depoſe and put to death their tyrannous kings. Inſomuch that the parliament drew up a charge againſt Richard the Second, and the commons requeſted to have judgment decreed againſt him, that the realm might not be endangered. And

Peter Martyr, a divine of foremoſt rank, on the third of Judges approves their doings. Sir Thomas Smith alſo, a proteſtant and a ſtateſman, in his Commonwealth of England, putting the queſtion, "whether it be lawful to riſe againſt a tyrant;" anſwers, "that the vulgar judge of it according to the event, and the learned according to the purpoſe of them that do it." But far before thoſe days Gildas, the moſt ancient of all our hiſtorians, ſpeaking of thoſe times wherein the Roman empire decaying quitted and relinquiſhed what right they had by conqueſt to this iſland, and reſigned it all into the people's hands, teſtifies that the people thus reinveſted with their own original right, about the year 446, both elected them kings, whom they thought beſt (the firſt chriſtian Britiſh kings that ever reigned here ſince the Romans), and by the ſame right, when they apprehended cauſe, uſually depoſed and put them to death. This is the moſt fundamental and ancient tenure, that any king of England can produce or pretend to; in compariſon of which, all other titles and pleas are but of yeſterday. If any object, that Gildas condemns the Britons for ſo doing, the anſwer is as ready; that he condemns them no more for ſo doing, than he did before for chooſing ſuch; for ſaith he, "They anointed them kings, not of God, but ſuch as were more bloody than the reſt." Next, he condemns them not at all for depoſing or putting them to death, but for doing it overhaſtily, without trial or well examining the cauſe, and for electing others worſe in their room. Thus we have here both domeſtic and moſt ancient examples, that the people of Britain have depoſed and put to death their kings in thoſe primitive chriſtian times. And to couple reaſon with example, if the church in all ages, primitive, Romiſh, or proteſtant, held it ever no leſs their duty than the power of their keys, though without expreſs warrant of Scripture, to bring indifferently both king and peaſant under the utmoſt rigour of their canons and cenſures eccleſiaſtical, even to the ſmiting him with a final excommunion, if he perſiſt impenitent: what hinders, but that the temporal law both may and ought, though without a ſpecial text or precedent, extend with like indifference the civil ſword, to the cut-

ting off, without exemption, him that capitally offends, ſeeing that juſtice and religion are from the ſame God, and works of juſtice oftimes more acceptable? Yet becauſe that ſome lately with the tongues and arguments of malignant backſliders have written, that the proceedings now in parliament againſt the king are without precedent from any proteſtant ſtate or kingdom, the examples which follow ſhall be all proteſtant, and chiefly preſbyterian.

In the year 1546, the duke of Saxony, landgrave of Heſſe, and the whole proteſtant league, raiſed open war againſt Charles the Fifth their emperor, ſent him a defiance, renounced all faith and allegiance toward him, and debated long in council, whether they ſhould give him ſo much as the title of Cæſar. Sleidan. l. 17. Let all men judge what this wanted of depoſing or of killing, but the power to do it.

In the year 1559, the Scots proteſtants claiming promiſe of their queen-regent for liberty of conſcience, ſhe anſwering, that promiſes were not to be claimed of princes beyond what was commodious for them to grant, told her to her face in the parliament then at Stirling, that if it were ſo, they renounced their obedience; and ſoon after betook them to arms. Buchanan Hiſt. l. 16. Certainly, when allegiance is renounced, that very hour the king or queen is in effect depoſed.

In the year 1564, John Knox, a moſt famous divine, and the reformer of Scotland to the preſbyterian diſcipline, at a general aſſembly maintained openly in a diſpute againſt Lethington the ſecretary of ſtate, that ſubjects might and ought to execute God's judgments upon their king (that the fact of Jehu and others againſt their king, having the ground of God's ordinary command to put ſuch and ſuch offenders to death, was not extraordinary, but to be imitated of all that preferred the honour of God to the affection of fleſh and wicked princes; that kings, if they offend, have no privilege to be exempted from the puniſhments of law more than any other ſubject: ſo that if the king be a murderer, adulterer, or idolater, he ſhould ſuffer, not as a king, but as an offender; and this poſition he repeats again and again before them. Anſwerable was the opinion of John Craig, another

learned divine, and that laws made by the tyranny of princes, or the negligence of people, their poſterity might abrogate, and reform all things according to the original inſtitution of commonwealths. And Knox, being commanded by the nobility to write to Calvin and other learned men for their judgments in that queſtion, refuſed; alleging, that both himſelf was fully reſolved in conſcience, and had heard their judgments, and had the ſame opinion under handwriting of many the moſt godly and moſt learned that he knew in Europe; that if he ſhould move the queſtion to them again, what ſhould he do but ſhow his own forgetfulneſs or inconſtancy? All this is far more largely in the eccleſiaſtic hiſtory of Scotland, l. 4, with many other paſſages to this effect all the book over, ſet out with diligence by Scotſmen of beſt repute among them at the beginning of theſe troubles; as if they laboured to inform us what we were to do, and what they intended upon the like occaſion.

And to let the world know, that the whole church and proteſtant ſtate of Scotland in thoſe pureſt times of reformation were of the ſame belief, three years after, they met in the field Mary their lawful and hereditary queen, took her priſoner, yielding before fight, kept her in priſon, and the ſame year depoſed her. Buchan. Hiſt. l. 18.

And four years after that, the Scots, in juſtification of their depoſing queen Mary, ſent embaſſadors to queen Elizabeth, and in a written declaration alleged, that they had uſed towards her more lenity than ſhe deſerved; that their anceſtors had heretofore puniſhed their kings by death or baniſhment; that the Scots were a free nation, made king whom they freely choſe, and with the ſame freedom unkinged him if they ſaw cauſe, by right of ancient laws and ceremonies yet remaining, and old cuſtoms yet among the highlanders in chooſing the head of their clans, or families; all which, with many other arguments, bore witneſs, that regal power was nothing elſe but a mutual covenant or ſtipulation between king and people. Buch. Hiſt. l. 20. Theſe were Scotſmen and preſbyterians: but what meaſure then have they lately offered, to think ſuch liberty leſs beſeeming us than

than themſelves, preſuming to put him upon us for a maſter, whom their law ſcarce allows to be their own equal? If now then we hear them in another ſtrain than heretofore in the pureſt times of their church, we may be confident it is the voice of faction ſpeaking in them, not of truth and reformation. 'Which no leſs in England than in Scotland, by the mouths of thoſe faithful witneſſes commonly called puritans and nonconformiſts, ſpake as clearly for the putting down, yea the utmoſt puniſhing of kings, as in their ſeveral treatiſes may be read; even from the firſt reign of Elizabeth to theſe times. Inſomuch that one of them, whoſe name was Gibſon, foretold king James, he ſhould be rooted out, and conclude his race, if he perſiſted to uphold biſhops. And that very inſcription, ſtamped upon the firſt coins at his coronation, a naked ſword in a hand with theſe words, "Si mereor, in me," "againſt me, if I deſerve," not only manifeſted the judgment of that ſtate, but ſeemed alſo to preſage the ſentence of divine juſtice in this event upon his ſon.

In the year 1581, the ſtates of Holland, in a general aſſembly at the Hague, abjured all obedience and ſubjection to Philip king of Spain; and in a declaration juſtify their ſo doing; for that by his tyrannous government, againſt faith ſo many times given and broken, he had loſt his right to all the Belgic provinces; that therefore they depoſed him, and declared it lawful to chooſe another in his ſtead. Thuan. l. 74. From that time to this, no ſtate or kingdom in the world hath equally proſpered: but let them remember not to look with an evil and prejudicial eye upon their neighbours walking by the ſame rule.

But what need theſe examples to preſbyterians, I mean to thoſe who now of late would ſeem ſo much to abhor depoſing, whenas they to all Chriſtendom have given the lateſt and the livelieſt example of doing it themſelves? I queſtion not the lawfulneſs of raiſing war againſt a tyrant in defence of religion, or civil liberty; for no proteſtant church, from the firſt Waldenſes of Lyons and Languedoc to this day, but have done it round, and maintained it lawful. But this I doubt not to affirm, that the preſ-

byterians, who now ſo much condemn depoſing, were the men themſelves that depoſed the king, and cannot with all their ſhifting and relapſing, waſh off the guiltineſs from their own hands. For they themſelves, by theſe their late doings, have made it guiltineſs, and turned their own warrantable actions into rebellion.

There is nothing, that ſo actually makes a king of England, as rightful poſſeſſion and ſupremacy in all Cauſes both Civil and Eccleſiaſtical: and nothing that ſo actually makes a ſubject of England, as thoſe two oaths of allegiance and ſupremacy obſerved without equivocating, or any mental reſervation. Out of doubt then when the king ſhall command things already conſtituted in church or ſtate, obedience is the true eſſence of a ſubject, either to do, if it be lawful, or if he hold the thing unlawful, to ſubmit to that penalty which the law impoſes, ſo long as he intends to remain a ſubject. Therefore when the people, or any part of them, ſhall riſe againſt the king and his authority, executing the law in any thing eſtabliſhed, civil or eccleſiaſtical, I do not ſay it is rebellion, if the thing commanded though eſtabliſhed be unlawful, and that they ſought firſt all due means of redreſs (and no man is further bound to law); but I ſay it is an abſolute renouncing both of ſupremacy and allegiance, which in one word is an actual and total depoſing of the king, and the ſetting up of another ſupreme authority over them. And whether the preſbyterians have not done all this and much more, they will not put me, I ſuppoſe, to reckon up a ſeven years ſtory freſh in the memory of all men. Have they not utterly broke the oath of allegiance, rejecting the king's command and authority ſent them from any part of the kingdom, whether in things lawful or unlawful? Have they not abjured the oath of ſupremacy, by ſetting up the parliament without the king, ſupreme to all their obedience; and though their vow and covenant bound them in general to the parliament, yet ſometimes adhering to the leſſer part of lords and commons that remained faithful, as they term it, and even of them, one while to the commons without the lords, another while to the lords without the commons? Have they not ſtill declared their meaning,

eaning, whatever their oath were, to hold them only
: ſupreme, whom they found at any time moſt yield-
g to what they petitioned? Both theſe oaths, which
re the ſtraiteſt bond of an Engliſh ſubject in reference
the king, being thus broke and made void; it follows
deniably, that the king from that time was by them
fact abſolutely depoſed, and they no longer in reality
be thought his ſubjects, notwithſtanding their fine
uſe in the covenant to preſerve his perſon, crown, and
nity, ſet there by ſome dodging caſuiſt with more
ft than ſincerity, to mitigate the matter in caſe of ill
ceſs, and not taken I ſuppoſe by any honeſt man, but
a condition ſubordinate to every the leaſt particle, that
ght more concern religion, liberty, or the public peace.
To prove it yet more plainly, that they are the men
o have depoſed the king, I thus argue. We know, that
g and ſubject are relatives, and relatives have no lon-
r being than in the relation; the relation between king
d ſubject can be no other than regal authority and ſub-
tion. Hence I infer paſt their defending, that if the
ject, who is one relative, take away the relation, of
ce he takes away alſo the other relative: but the preſ-
terians, who were one relative, that is to ſay ſubjects,
ve for this ſeven years taken away the relation; that
o ſay the king's authority, and their ſubjection to it;
refore the preſbyterians for theſe ſeven years have re-
ved and extinguiſhed the other relative, that is to ſay
king; or to ſpeak more in brief, have depoſed him;
t only by depriving him the execution of his authority,
t by conferring it upon others. If then their oaths of
jection broken, new ſupremacy obeyed, new oaths
d covenant taken, notwithſtanding frivolous evaſions,
ve in plain terms unkinged the king, much more then
th their ſeven years war, not depoſed him only, but
tlawed him, and defied him as an alien, a rebel to law,
d enemy to the ſtate. It muſt needs be clear to any
n not averſe from reaſon, that hoſtility and ſubjection
two direct and poſitive contraries, and can no more
one ſubject ſtand together in reſpect of the ſame king,
n one perſon at the ſame time can be in two remote
ces. Againſt whom therefore the ſubject is in act of

hoſtility, we may be confident, that to him he is in no ſubjection: and in whom hoſtility takes place of ſubjection, for they can by no means conſiſt together, to him the king can be not only no king, but an enemy. So that from hence we ſhall not need diſpute, whether they have depoſed him, or what they have defaulted towards him as no king, but ſhow manifeſtly how much they have done toward the killing him. Have they not levied all theſe wars againſt him, whether offenſive or defenſive (for defence in war equally offends, and moſt prudently beforehand), and given commiſſion to ſlay, where they knew his perſon could not be exempt from danger? And if chance or flight had not ſaved him, how often had they killed him, directing their artillery, without blame or prohibition, to the very place where they ſaw him ſtand? Have they not ſequeſtered him, judged or unjudged, and converted his revenue to other uſes, detaining from him, as a grand delinquent, all means of livelihood, ſo that for them long ſince he might have periſhed, or have ſtarved? Have they not hunted and purſued him round about the kingdom with ſword and fire? Have they not formerly denied to treat with him, and their now recanting miniſters preached againſt him, as a reprobate incurable, an enemy to God and his church, marked for deſtruction, and therefore not to be treated with? Have they not beſieged him, and to their power forbid him water and fire, ſave what they ſhot againſt him to the hazard of his life? Yet while they thus aſſaulted and endangered it with hoſtile deeds, they ſwore in words to defend it with his crown and dignity; not in order, as it ſeems now, to a firm and laſting peace, or to his repentance after all this blood; but ſimply, without regard, without remorſe or any comparable value of all the miſeries and calamities ſuffered by the poor people, or to ſuffer hereafter through his obſtinacy or impenitence. No underſtanding man can be ignorant, that covenants are ever made according to the preſent ſtate of perſons and of things; and have ever the more general laws of nature and of reaſon included in them, though not expreſſed. If I make a voluntary covenant, as with a man to do him good, and he prove afterward a monſter to me, I ſhould conceive

conceive a diſobligement. If I covenant, not to hurt an enemy, in favour of him and forbearance, and hope of his amendment, and he, after that, ſhall do me tenfold injury and miſchief to what he had done when I ſo covenanted, and ſtill be plotting what may tend to my deſtruction, I queſtion not but that his afteractions releaſe me; nor know I covenant ſo ſacred, that withholds me from demanding juſtice on him. Howbeit, had not their diſtruſt in a good cauſe, and the faſt and looſe of our prevaricating divines, overſwayed, it had been doubtleſs better, not to have inſerted in a covenant unneceſſary obligations, and words, not works of ſupererogating allegiance to their enemy; no way advantageous to themſelves, had the king prevailed, as to their coſt many would have felt; but full of ſnare and diſtraction to our friends, uſeful only, as we now find, to our adverſaries, who under ſuch a latitude and ſhelter of ambiguous interpretation have ever ſince been plotting and contriving new opportunities to trouble all again. How much better had it been, and more becoming an undaunted virtue, to have declared openly and boldly whom and what power the people were to hold ſupreme, as on the like occaſion proteſtants have done before, and many conſcientious men now in theſe times have more than once beſought the parliament to do, that they might go on upon a ſure foundation, and not with a ridling covenant in their mouths, ſeeming to ſwear counter, almoſt in the ſame breath, allegiance and no allegiance; which doubtleſs had drawn off all the minds of ſincere men from ſiding with them, had they not diſcerned their actions far more depoſing him than their words upholding him; which words, made now the ſubject of cavillous interpretations, ſtood ever in the covenant, by judgment of the more diſcerning ſort, an evidence of their fear, not of their fidelity. What ſhould I return to ſpeak on, of thoſe attempts for which the king himſelf hath often charged the preſbyterians of ſeeking his life, whenas in the due eſtimation of things they might without a fallacy be ſaid to have done the deed outright? Who knows not, that the king is a name of dignity and office, not of perſon? Who therefore kills a king, muſt kill him while

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he is a king. Then they certainly, who by depoſing him have long ſince taken from him the life of a king, his office and his dignity, they in the trueſt ſenſe may be ſaid to have killed the king: not only by their depoſing and waging war againſt him, which, beſides the danger to his perſonal life, ſet him in the fartheſt oppoſite point from any vital function of a king, but by their holding him in priſon, vanquiſhed and yielded into their abſolute and deſpotic power, which brought him to the loweſt degradement and incapacity of the regal name. I ſay not, by whoſe matchleſs valour next under God, leſt the ſtory of their ingratitude thereupon carry me from the purpoſe in hand, which is to convince them, that they, which I repeat again, were the men who in the trueſt ſenſe killed the king, not only as is proved before, but by depreſſing him their king far below the rank of a ſubject to the condition of a captive, without intention to reſtore him, as the chancellor of Scotland in a ſpeech told him plainly at Newcaſtle, unleſs he granted fully all their demands, which they knew he never meant. Nor did they treat, or think of treating with him, till their hatred to the army that delivered them, not their love or duty to the king, joined them ſecretly with men ſentenced ſo oft for reprobates in their own mouths, by whoſe ſubtle inſpiring they grew mad upon a moſt tardy and improper treaty. Whereas if the whole bent of their actions had not been againſt the king himſelf, but only againſt his evil counſellors, as they feigned, and publiſhed, wherefore did they not reſtore him all that while to the true life of a king, his office, crown and dignity, when he was in their power, and they themſelves his neareſt counſellors? The truth therefore is, both that they would not, and that indeed they could not without their own certain deſtruction, having reduced him to ſuch a final paſs, as was the very death and burial of all in him that was regal, and from whence never king of England yet revived, but by the new reinforcement of his own party, which was a kind of reſurrection to him. Thus having quite extinguiſhed all that could be in him of a king, and from a total privation clad him over, like another ſpecifical thing, with forms and habitudes de-

ſtructive

ſtructive to the former, they left in his perſon, dead as to law and all the civil right either of king or ſubject, the life only of a priſoner, a captive, and a malefactor: whom the equal and impartial hand of juſtice finding, was no more to ſpare than another ordinary man; not only made obnoxious to the doom of law by a charge more than once drawn up againſt him, and his own confeſſion to the firſt article at Newport, but ſummoned and arraigned in the ſight of God and his people, curſed and devoted to perdition worſe than any Ahab, or Antiochus, with exhortation to curſe all thoſe in the name of God, that made not war againſt him, as bitterly as Meroz was to be curſed, that went not out againſt a Canaanitiſh king; almoſt in all the ſermons, prayers, and fulminations, that have been uttered this ſeven years by thoſe cloven tongues of falſhood and diſſenſion, who now, to the ſtirring up of new diſcord, acquit him; and againſt their own diſcipline, which they boaſt to be the throne and ſceptre of Chriſt, abſolve him, unconfound him, though unconverted, unrepentant, unſenſible of all their precious ſaints and martyrs, whoſe blood they have ſo oft laid upon his head: and now again with a new ſovereign anointment can waſh it all off, as if it were as vile, and no more to be reckoned for than the blood of ſo many dogs in a time of peſtilence: giving the moſt opprobrious lie to all the acted zeal, that for theſe many years hath filled their bellies, and fed them fat upon the fooliſh people. Miniſters of ſedition, not of the goſpel, who, while they ſaw it manifeſtly tend to civil war and bloodſhed, never ceaſed exaſperating the people againſt him; and now, that they ſee it likely to breed new commotion, ceaſe not to incite others againſt the people, that have ſaved them from him, as if ſedition were their only aim, whether againſt him or for him. But God, as we have cauſe to truſt, will put other thoughts into the people, and turn them from giving ear or heed to theſe mercenary noiſe-makers, of whoſe fury and falſe prophecies we have enough experience; and from the murmurs of new diſcord will incline them, to hearken rather with erected minds to the voice of our ſupreme magiſtracy, calling us to liberty, and the flouriſhing deeds of a reformed commonwealth; with this hope,

hope, that as God was heretofore angry with the Jews who rejected him and his form of government to chooſe a king, ſo that he will bleſs us, and be propitious to us, who reject a king to make him only our leader, and ſupreme governor in the conformity as near as may be of his own ancient government; if we have at leaſt but ſo much worth in us to entertain the ſenſe of our future happineſs, and the courage to receive what God vouchſafes us: wherein we have the honour to precede other nations, who are now labouring to be our followers. For as to this queſtion in hand, what the people by their juſt right may do in change of government, or of governor, we ſee it cleared ſufficiently; beſides other ample authority, even from the mouths of princes themſelves. And ſurely they that ſhall boaſt, as we do, to be a free nation, and not have in themſelves the power to remove, or to aboliſh any governor ſupreme, or ſubordinate, with the government itſelf upon urgent cauſes, may pleaſe their fancy with a ridiculous and painted freedom, fit to cozen babies; but are indeed under tyranny and ſervitude; as wanting that power, which is the root and ſource of all liberty, to diſpoſe and œconomize in the land which God hath given them, as maſters of family in their own houſe and free inheritance. Without which natural and eſſential power of a free nation, though bearing high their heads, they can in due eſteem be thought no better than ſlaves and vaſſals born, in the tenure and occupation of another inheriting lord. Whoſe government, though not illegal, or intolerable, hangs over them as a lordly ſcourge, not as a free government; and therefore to be abrogated. How much more juſtly then may they fling off tyranny, or tyrants; who being once depoſed can be no more than private men, as ſubject to the reach of juſtice and arraignment as any other tranſgreſſors? And certainly if men, not to ſpeak of heathen, both wiſe and religious, have done juſtice upon tyrants what way they could ſooneſt, how much more mild and humane then is it, to give them fair and open trial; to teach lawleſs kings, and all who ſo much adore them, that not mortal man, or his imperious will, but juſtice, is the only true ſovereign and ſupreme majeſty upon earth? Let men ceaſe

therefore, out of faction and hyprocriſy to make outcries and horrid things of things ſo juſt and honourable. 'Though perhaps till now, no proteſtant ſtate or kingdom can be alleged to have openly put to death their king, which lately ſome have written, and imputed to their great glory; much miſtaking the matter. It is not, neither ought to be the glory of a proteſtant ſtate, never to have put their king to death; it is the glory of a proteſtant king never to have deſerved death.' And if the parliament and military council do what they do without precedent, if it appear their duty, it argues the more wiſdom, virtue, and magnanimity, that they know themſelves able to be a precedent to others. Who perhaps in future ages, if they prove not too degenerate, will look up with honour, and aſpire toward theſe exemplary and matchleſs deeds of their anceſtors, as to the higheſt top of their civil glory and emulation. Which heretofore, in the purſuance of fame and foreign dominion, ſpent itſelf vainglorioufly abroad; but henceforth may learn a better fortitude, to dare execute higheſt juſtice on them, that ſhall by force of arms endeavour the oppreſſing and bereaving of religion and their liberty at home: that no unbridled potentate or tyrant, but to his ſorrow, for the future may preſume ſuch high and irreſponſible licence over mankind, to havoc and turn upſide down whole kingdoms of men, as though they were no more in reſpect of his perverſe will than a nation of piſmires. As for the party called preſbyterian, of whom I believe very many to be good and faithful chriſtians, though miſled by ſome of turbulent ſpirit, I wiſh them, earneſtly and calmly, not to fall off from their firſt principles, nor to affect rigour and ſuperiority over men not under them; not to compel unforcible things, in religion eſpecially, which, if not voluntary, becomes a ſin; not to aſſiſt the clamour and malicious drifts of men, whom they themſelves have judged to be the worſt of men, the obdurate enemies of God and his church: nor to dart againſt the actions of their brethren, for want of other argument, thoſe wreſted laws and ſcriptures thrown by prelates and malignants againſt their own ſides, which, though they hurt not otherwiſe, yet taken up by them to the condemnation

demnation of their own doings, give ſcandal to all men, and diſcover in themſelves either extreme paſſion or apoſtacy. Let them not oppoſe their beſt friends and aſſociates, who moleſt them not at all, infringe not the leaſt of their liberties, unleſs they call it their liberty to bind other men's conſciences, but are ſtill ſeeking to live at peace with them and brotherly accord. Let them beware an old and perfect enemy, who, though he hope by ſowing diſcord to make them his inſtruments, yet cannot forbear a minute the open threatening of his deſtined revenge upon them, when they have ſerved his purpoſes. Let them fear therefore, if they be wiſe, rather what they have done already, than what remains to do, and be warned in time they put no confidence in princes whom they have provoked, leſt they be added to the examples of thoſe that miſerably have taſted the event. Stories can inform them how Chriſtiern the IId, king of Denmark, not much above a hundred years paſt, driven out by his ſubjects, and received again upon new oaths and conditions, broke through them all to his moſt bloody revenge; ſlaying his chief oppoſers, when he ſaw his time, both them and their children invited to a feaſt for that purpoſe. How Maximilian dealt with thoſe of Bruges, though by mediation of the German princes reconciled to them by ſolemn and public writings drawn and ſealed. How the maſſacre at Paris was the effect of that credulous peace, which the French proteſtants made with Charles the IX their king: and that the main viſible cauſe, which to this day hath ſaved the Netherlands from utter ruin, was their final not believing the perfidious cruelty, which as a conſtant maxim of ſtate hath been uſed by the Spaniſh kings on their ſubjects that have taken arms and after truſted them; as no latter age but can teſtify, heretofore in Belgia itſelf, and this very year in Naples. And to conclude with one paſt exception, though far more ancient, David, whoſe ſanctified prudence might be alone ſufficient, not to warrant us only, but to inſtruct us, when once he had taken arms, never after that truſted Saul, though with tears and much relenting he twice promiſed not to hurt him. Theſe inſtances, few of many, might admoniſh them, both Engliſh

liſh and Scotch, not to let their own ends, and the driving on of a faction, betray them blindly into the ſnare of thoſe enemies, whoſe revenge looks on them as the men who firſt begun, fomented, and carried on beyond the cure of any ſound or ſafe accommodation, all the evil which hath ſince unavoidably befallen them and their king.

I have ſomething alſo to the divines, though brief to what were needful; not to be diſturbers of the civil affairs, being in hands better able and more belonging to manage them; but to ſtudy harder, and to attend the office of good paſtors, knowing that he, whoſe flock is leaſt among them, hath a dreadful charge, not performed by mounting twice into the chair with a formal preachment huddled up at the odd hours of a whole lazy week, but by inceſſant pains and watching in ſeaſon and out of ſeaſon, from houſe to houſe, over the ſouls of whom they have to feed. Which if they ever well conſidered, how little leiſure would they find, to be the moſt pragmatical ſideſmen of every popular tumult and ſedition? And all this while are to learn what the true end and reaſon is of the goſpel which they teach; and what a world it differs from the cenſorious and ſupercilious lording over conſcience. It would be good alſo they lived ſo as might perſuade the people they hated covetouſneſs, which, worſe than hereſy, is idolatry; hated pluralities, and all kind of ſimony; left rambling from benefice to benefice, like ravenous wolves ſeeking where they may devour the biggeſt. Of which if ſome, well and warmly ſeated from the beginning, be not guilty, it were good they held not converſation with ſuch as are: let them be ſorry, that, being called to aſſemble about reforming the church, they fell to progging and ſoliciting the parliament, though they had renounced the name of prieſts, for a new ſettling of their tithes and oblations; and double-lined themſelves with ſpiritual places of commodity beyond the poſſible diſcharge of their duty. Let them aſſemble in conſiſtory with their elders and deacons, according to ancient eccleſiaſtical rule, to the preſerving of church diſcipline, each in his ſeveral charge, and not a pack of clergymen by themſelves to belly-cheer in their preſumptuous Sion, or

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to promote deſigns, abuſe and gull the ſimple laity, and ſtir up tumult, as the prelates did, for the maintenance of their pride and avarice. Theſe things if they obſerve, and wait with patience, no doubt but all things will go well without their importunities or exclamations: and the printed letters, which they ſend ſubſcribed with the oſtentation of great characters and little moment, would be more conſiderable than now they are. But if they be the miniſters of mammon inſtead of Chriſt, and ſcandalize his church with the filthy love of gain, aſpiring alſo to ſit the cloſeſt and the heavieſt of all tyrants upon the conſcience, and fall notoriouſly into the ſame ſins, whereof ſo lately and ſo loud they accuſed the prelates; as God rooted out thoſe wicked ones immediately before, ſo will he root out them their imitators: and, to vindicate his own glory and religion, will uncover their hyprocriſy to the open world; and viſit upon their own heads that "curſe ye Meroz," the very motto of their pulpits, wherewith ſo frequently, not as Meroz, but more like atheiſts, they have blaſphemed the vengeance of God, and traduced the zeal of his people.

'* And that they be not what they go for, true miniſters of the proteſtant doctrine, taught by thoſe abroad, famous and religious men, who firſt reformed the church, or by thoſe no leſs zealous, who withſtood corruption and the biſhops here at home, branded with the name of puritans and nonconformiſts, we ſhall abound with teſtimonies to make appear: that men may yet more fully know the difference between proteſtant divines, and theſe pulpit-firebrands.

'Luther. Lib. contra ruſticos apud Sleidan. l. 5.

'Is eſt hodie rerum ſtatus, &c. "Such is the ſtate of things at this day, that men neither can, nor will, nor indeed ought to endure longer the domination of you princes."

* All that follows, to the end of this tract, was left out not only in the edition, printed 1738, in 2 vols folio; but in that of Mr. Toland, who firſt collected the author's works: how this omiſſion aroſe, the reader will ſee in a note at the beginning of this tract. Page 271.

'Neque

'Neque vero Cæſarem, &c. "Neither is Cæſar to make war as head of Chriſtendom, protector of the Church, defender of the faith; theſe titles being falſe and windy, and moſt kings being the greateſt enemies to religion." Lib. de Bello contra Turcas, apud Sleid. l. 14. What hinders then, but that we may depoſe or puniſh them?

'Theſe alſo are recited by Cochlæus in his Miſcellanies to be the words of Luther, or ſome other eminent divine, then in Germany, when the proteſtants there entered into ſolemn covenant at Smalcaldia. Ut ora iis obturem, &c. "That I may ſtop their mouths, the pope and emperor are not born, but elected, and may alſo be depoſed as hath been often done." If Luther, or whoever elſe, thought ſo, he could not ſtay there; for the right of birth or ſucceſſion can be no privilege in nature, to let a tyrant ſit irremovable over a nation freeborn, without transforming that nation from the nature and condition of men born free, into natural, hereditary, and ſucceſſive ſlaves. Therefore he ſaith further; "To diſplace and throw down this exactor, this Phalaris, this Nero, is a work pleaſing to God;" namely, for being ſuch a one: which is a moral reaſon. Shall then ſo ſlight a conſideration as his hap to be not elective ſimply, but by birth which was a mere accident, overthrow that which is moral, and make unpleaſing to God that which otherwiſe had ſo well pleaſed him? Certainly not: for if the matter be rightly argued, election, much rather than chance, binds a man to content himſelf with what he ſuffers by his own bad election. Though indeed neither the one nor other binds any man, much leſs any people, to a neceſſary ſufferance of thoſe wrongs and evils, which they have ability and ſtrength enough given them to remove.

'Zwinglius, tom. 1, articul. 42.

'Quando vero perfidè, &c. "When kings reign perfidiouſly, and againſt the rule of Chriſt, they may according to the word of God be depoſed."

"Mihi ergo compertum non eſt, &c. "I know not how it comes to paſs, that kings reign by ſucceſſion, unleſs it be with conſent of the whole people." ibid.

'Quum vero conſenſu, &c. "But when by ſuffrage and conſent of the whole people, or the better part of them, a tyrant is depoſed or put to death, God is the chief leader in that action." ibid.

'Nunc cum tam tepidi ſumus, &c. "Now that we are ſo lukewarm in upholding public juſtice, we endure the vices of tyrants to reign nowadays with impunity; juſtly therefore by them we are trod underfoot, and ſhall at length with them be puniſhed. Yet ways are not wanting by which tyrants may be removed, but there wants public juſtice." ibid.

'Cavete vobis ô tyranni. "Beware ye tyrants! for now the goſpel of Jeſus Chriſt, ſpreading far and wide, will renew the lives of many to love innocence and juſtice; which if ye alſo ſhall do, ye ſhall be honoured. But if ye ſhall go on to rage and do violence, ye ſhall be trampled on by all men." ibid.

'Romanum imperium imò quodque, &c. "When the Roman empire, or any other, ſhall begin to oppreſs religion, and we negligently ſuffer it, we are as much guilty of religion ſo violated, as the oppreſſors themſelves." Idem Epiſt. ad Conrad. Somium.

'Calvin on Daniel, c. iv, v. 25.

'Hodie monarchæ ſemper in ſuis titulis, &c. "Nowadays monarchs pretend always in their titles, to be kings by the grace of God: but how many of them to this end only pretend it, that they may reign without controul! for to what purpoſe is the grace of God mentioned in the title of kings, but that they may acknowledge no ſuperior? In the mean while God, whoſe name they uſe, to ſupport themſelves, they willingly would tread under their feet. It is therefore a mere cheat, when they boaſt to reign by the grace of God."

'Abdicant ſe terreni principes, &c. "Earthly princes depoſe themſelves, while they riſe againſt God, yea they are unworthy to be numbered among men: rather it behoves us to ſpit upon their heads, than to obey them." On Dan. c. vi, v. 22.

'Bucer

'Bucer on Matth. c. v.

'Si princeps ſuperior, &c. "If a ſovereign prince endeavour by arms to defend tranſgreſſors, to ſubvert thoſe things which are taught in the word of God, they, who are in authority under him, ought firſt to diſſuade him; if they prevail not, and that he now bears himſelf not as a prince but as an enemy, and ſeeks to violate privileges and rights granted to inferior magiſtrates or commonalties, it is the part of pious magiſtrates, imploring firſt the aſſiſtance of God, rather to try all ways and means, than to betray the flock of Chriſt, to ſuch an enemy of God: for they alſo are to this end ordained, that they may defend the people of God, and maintain thoſe things, which are good and juſt. For to have ſupreme power leſſens not the evil committed by that power, but makes it the leſs tolerable, by how much the more generally hurtful. Then certainly the leſs tolerable, the more unpardonably to be puniſhed."

'Of Peter Martyr we have ſpoke before.

'Paræus in Rom. xiii.

'Quorum eſt conſtituere magiſtratus, &c. "They whoſe part is to ſet up magiſtrates, may reſtrain them alſo from outrageous deeds, or pull them down; but all magiſtrates are ſet up either by parliament or by electors, or by other magiſtrates; they therefore, who exalted them, may lawfully degrade and puniſh them."

'Of the Scots divines I need not mention others than the famouſeſt among them, Knox, and his fellow-labourers in the reformation of Scotland; whoſe large treatiſes on this ſubject, defend the ſame opinion. To cite them ſufficiently, were to inſert their whole books, written purpoſely on this argument. "Knox's Appeal;" and to the reader; where he promiſes in a poſtſcript, that the book which he intended to ſet forth, called "The ſecond Blaſt of the Trumpet," ſhould maintain more at large, that the ſame men moſt juſtly may depoſe, and puniſh him whom unadviſedly they have elected, notwithſtanding birth, ſucceſſion, or any oath of allegiance.

Among our own divines Cartwright and Fenner, two of the learnedeſt, may in reaſon ſatisfy us what was held by the reſt. Fenner in his book of Theology maintaining, that they who have power, that is to ſay a parliament, may either by fair means or by force depoſe a tyrant, whom he defines to be him, that wilfully breaks all, or the principal conditions made between him and the commonwealth. Fen. Sac. Theolog. c. 13. And Cartwright in a prefixed epiſtle teſtifies his approbation of the whole book.

'Gilby de Obedientiâ. p. 25 and 105.

"Kings have their authority of the people, who may upon occaſion reaſſume it to themſelves."

'England's Complaint againſt the Canons.

"The people may kill wicked princes as monſters and cruel beaſts."

'Chriſtopher Goodman of Obedience.

"When kings or rulers become blaſphemers of God, oppreſſors and murderers of their ſubjects, they ought no more to be accounted kings or lawful magiſtrates, but as private men to be examined, accuſed, and condemned and puniſhed by the law of God, and being convicted and puniſhed by that law, it is not man's but God's doing." c. x, p. 139.

"By the civil laws, a fool or idiot born, and ſo proved, ſhall loſe the lands and inheritance whereto he is born, becauſe he is not able to uſe them aright: and eſpecially ought in no caſe be ſuffered to have the government of a whole nation; but there is no ſuch evil can come to the commonwealth by fools and idiots, as doth by the rage and fury of ungodly rulers; ſuch therefore, being without God, ought to have no authority over God's people, who by his word requireth the contrary." c. xi. p. 143, 144.

"No perſon is exempt by any law of God from this puniſhment: be he king, queen, or emperor, he muſt die

die the death, for God hath not placed them above others, to tranſgreſs his laws as they liſt, but to be ſubject to them as well as others; and if they be ſubject to his laws, then to the puniſhment alſo, ſo much the more as their example is more dangerous." c. xiii, p. 184.

"When magiſtrates ceaſe to do their duty, the people are as it were without magiſtrates, yea worſe, and then God giveth the ſword into the people's hand, and he himſelf is become immediately their head." p. 185.

"If princes do right, and keep promiſe with you, then do you owe to them all humble obedience; if not, ye are diſcharged, and your ſtudy ought to be in this caſe how ye may depoſe and puniſh according to the law ſuch rebels againſt God, and oppreſſors of their country." p. 190.

'This Goodman was a miniſter of the Engliſh church at Geneva, as Dudley Fenner was at Middleburgh, or ſome other place in that country. Theſe were the paſtors of thoſe ſaints and confeſſors, who, flying from the bloody perſecution of queen Mary, gathered up at length their ſcattered members into many congregations; whereof ſome in upper, ſome in lower Germany, part of them ſettled at Geneva; where this author having preached on this ſubject to the great liking of certain learned and godly men, who heard him, was by them ſundry times and with much inſtance required to write more fully on that point. Who thereupon took it in hand, and conferring with the beſt learned in thoſe parts (among whom Calvin was then living in the ſame city) with their ſpecial approbation he publiſhed this treatiſe, aiming principally, as is teſtified by Whittingham in the preface, that his brethren of England, the proteſtants, might be perſuaded in the truth of that doctrine concerning obedience to magiſtrates. Whittingham in preſat.

'Theſe were the true proteſtant divines of England, our fathers in the faith we hold; this was their ſenſe, who for ſo many years labouring under prelacy, through all ſtorms and perſecutions kept religion from extinguiſhing; and delivered it pure to us, till their aroſe a covetous and ambitious generation of divines (for divines they call themſelves!) who, feigning on a ſudden

to be new converts and proſelytes from epiſcopacy, under which they had long temporiſed, opened their mouths at length, in ſhow againſt pluralities and prelacy, but with intent to ſwallow them down both; gorging themſelves like harpies on thoſe ſimonious places and preferments of their outed predeceſſors, as the quarry for which they hunted, not to plurality only but to multiplicity; for poſſeſſing which they had accuſed them their brethren, and aſpiring under another title to the ſame authority and uſurpation over the conſciences of all men.

'Of this faction, diverſe reverend and learned divines (as they are ſtyled in the philactery of their own title-page) pleading the lawfulneſs of defenſive arms againſt the king, in a treatiſe called "Scripture and Reaſon," ſeem in words to diſclaim utterly the depoſing of a king; but both the Scripture, and the reaſons which they uſe, draw conſequences after them, which without their bidding, conclude it lawful. For if by Scripture, and by that eſpecially to the Romans, which they moſt inſiſt upon, kings, doing that which is contrary to Saint Paul's definition of a magiſtrate, may be reſiſted, they may altogether with as much force of conſequence be depoſed or puniſhed. And if by reaſon the unjuſt authority of kings "may be forfeited in part, and his power be reaſſumed in part, either by the parliament or people, for the caſe in hazard and the preſent neceſſity," as they affirm p. 34, there can no Scripture be alleged, no imaginable reaſon given, that neceſſity continuing, as it may always, and they in all prudence and their duty may take upon them to foreſee it, why in ſuch a caſe they may not finally amerce him with the loſs of his kingdom, of whoſe amendment they have no hope. And if one wicked action perſiſted in againſt religion, laws, and liberties, may warrant us to thus much in part, why may not forty times as many tyrannies, by him committed, warrant us to proceed on reſtraining him, till the reſtraint become total? For the ways of juſtice are exacteſt proportion; if for one treſpaſs of a king it require ſo much remedy or ſatisfaction, then for twenty more as heinous crimes, it requires of him twenty-fold; and ſo proportionably, till it come to what is utmoſt among men. If in theſe pro-

ceedings againſt their king they may not finiſh, by the uſual courſe of juſtice, what they have begun, they could not lawfully begin at all. For this golden rule of juſtice and morality, as well as of arithmetic, out of three terms which they admit, will as certainly and unavoidably bring out the fourth, as any problem that ever Euclid or Apollonius made good by demonſtration.

'And if the parliament, being undepoſable but by themſelves, as is affirmed, p. 37, 38, might for his whole life, if they ſaw cauſe, take all power, authority, and the ſword out of his hand, which in effect is to unmagiſtrate him, why might they not, being then themſelves the ſole magiſtrates in force, proceed to puniſh him, who, being lawfully deprived of all things that define a magiſtrate, can be now no magiſtrate to be degraded lower, but an offender to be puniſhed. Laſtly, whom they may defy, and meet in battle, why may they not as well proſecute by juſtice? For lawful war is but the execution of juſtice againſt them who refuſe law. Among whom if it be lawful (as they deny not, p. 19, 20,) to ſlay the king himſelf coming in front at his own peril, wherefore may not juſtice do that intendedly, which the chance of a defenſive war might without blame have done caſually, nay purpoſely, if there it find him among the reſt? They aſk, p. 19, "By what rule of conſcience or God, a ſtate is bound to ſacrifice religion, laws and liberties, rather than a prince defending ſuch as ſubvert them, ſhould come in hazard of his life." And I aſk by what conſcience, or divinity, or law, or reaſon, a ſtate is bound to leave all theſe ſacred concernments under a perpetual hazard and extremity of danger, rather than cut off a wicked prince, who ſits plotting day and night to ſubvert them. They tell us, that the law of nature juſtifies any man to defend himſelf, even againſt the king in perſon: let them ſhow us then, why the ſame law may not juſtify much more a ſtate or whole people, to do juſtice upon him, againſt whom each private man may lawfully defend himſelf; ſeeing all kind of juſtice done is a defence to good men, as well as a puniſhment to bad; and juſtice done upon a tyrant is no more but the neceſſary ſelf-defence of a whole commonwealth. To war upon a king,

that his inſtruments may be brought to condign puniſhment, and thereafter to puniſh them the inſtruments, and not to ſpare only, but to defend and honour him the author, is the ſtrangeſt piece of juſtice to be called chriſtian, and the ſtrangeſt piece of reaſon to be called human, that by men of reverence and learning, as their ſtyle imports them, ever yet was vented. They maintain in the third and fourth ſection, that a judge or inferior magiſtrate is anointed of God, is his miniſter, hath the ſword in his hand, is to be obeyed by St. Peter's rule, as well as the ſupreme, and without difference any where expreſſed: and yet will have us fight againſt the ſupreme till he remove and puniſh the inferior magiſtrate (for ſuch were greateſt delinquents); whenas by Scripture, and by reaſon, there can no more authority be ſhown to reſiſt the one than the other; and altogether as much, to puniſh or depoſe the ſupreme himſelf, as to make war upon him, till he puniſh or deliver up his inferior magiſtrates, whom in the ſame terms we are commanded to obey, and not to reſiſt. Thus while they, in a cautious line or two here and there ſtuffed in, are only verbal againſt the pulling down or puniſhing of tyrants, all the Scripture and the reaſon, which they bring, is in every leaf direct and rational, to inſer it altogether as lawful, as to reſiſt them. And yet in all their ſermons, as hath by others been well noted, they went much further. For divines, if we obſerve them, have their poſtures, and their motions no leſs expertly, and with no leſs variety, than they that practice feats in the Artillery-ground. Sometimes they ſeem furiouſly to march on, and preſently march counter; by and by they ſtand, and then retreat; or if need be can face about, or wheel in a whole body, with that cunning and dexterity as is almoſt unperceiveable; to wind themſelves by ſhifting ground into places of more advantage. And providence only muſt be the drum, providence the word of command, that calls them from above, but always to ſome larger benefice, or acts them into ſuch or ſuch figures and promotions. At their turns and doublings no men readier, to the right, or to the left; for it is their turns which they ſerve chiefly: herein only ſingular, that with them there

is

is no certain hand right or left, but as their own commodity thinks beſt to call it. But if there come a truth to be defended, which to them, and their intereſt of this world ſeems not ſo profitable, ſtraight theſe nimble motioniſts can find no even legs to ſtand upon; and are no more of uſe to reformation thoroughly performed, and not ſuperficially, or to the advancement of truth (which among mortal men is always in her progreſs) than if on a ſudden they were ſtruck main and crippled. Which the better to conceal, or the more to countenance by a general conformity to their own limping, they would have Scripture, they would have reaſon alſo made to halt with them for company; and would put us off with impotent concluſions, lame and ſhorter than the premiſes. In this poſture they ſeem to ſtand with great zeal and confidence on the wall of Sion; but like Jebuſites, not like Iſraelites, or Levites: blind alſo as well as lame, they diſcern not David from Adonibezec: but cry him up for the Lord's anointed, whoſe thumbs and great toes not long before they had cut off upon their pulpit cuſhions. Therefore he who is our only king, the root of David, and whoſe kingdom is eternal righteouſneſs, with all thoſe that war under him, whoſe happineſs and final hopes are laid up in that only juſt and rightful kingdom (which we pray inceſſantly may come ſoon, and in ſo praying wiſh haſty ruin and deſtruction to all tyrants) even he our immortal King, and all that love him, muſt of neceſſity have in abomination theſe blind and lame defenders of Jeruſalem; as the ſoul of David hated them, and forbid them entrance into God's houſe, and his own. But as to thoſe before them, which I cited firſt (and with an eaſy ſearch, for many more might be added) as they there ſtand, without more in number, being the beſt and chief of proteſtant divines, we may follow them for faithful guides, and without doubting may receive them, as witneſſes abundant of what we here affirm concerning tyrants. And indeed I find it generally the clear and poſitive determination of them all, (not prelatical, or of this late faction ſubprelatical) who have written on this argument; that to do juſtice on a lawleſs king, is to a private man unlawful; to an inferior magiſtrate lawful: or if they were

were divided in opinion, yet greater than theſe here alleged, or of more authority in the church, there can be none produced. If any one ſhall go about by bringing other teſtimonies to diſable theſe, or by bringing theſe againſt themſelves in other cited paſſages of their books, he will not only fail to make good that falſe and impudent aſſertion of thoſe mutinous miniſters, that the deposing and puniſhing of a king or tyrant "is againſt the conſtant judgment of all proteſtant divines," it being quite the contrary; but will prove rather what perhaps he intended not, that the judgment of divines, if it be ſo various and inconſtant to itſelf, is not conſiderable, or to be eſteemed at all. Ere which be yielded, as I hope it never will, theſe ignorant aſſertors in their own art will have proved themſelves more and more, not to be proteſtant divines, whoſe conſtant judgment in this point they have ſo audaciouſly belied, but rather to be a pack of hungry church-wolves, who in the ſteps of Simon Magus their father following the hot ſcent of double livings and pluralities, advowſons, donatives, inductions, and augmentations, though uncalled to the flock of Chriſt, but by the mere ſuggeſtion of their bellies, like thoſe prieſts of Bel, whoſe pranks Daniel found out; have got poſſeſſion, or rather ſeized upon the pulpit, as the ſtrong hold and fortreſs of their ſedition and rebellion againſt the civil magiſtrate. Whoſe friendly and victorious hand having reſcued them from the biſhops their inſulting lords, fed them plenteouſly, both in public and in private, raiſed them to be high and rich of poor and baſe; only ſuffered not their covetouſneſs and fierce ambition (which as the pit that ſent out their fellow locuſts hath been ever bottomleſs and boundleſs) to interpoſe in all things, and over all perſons, their impetuous ignorance and importunity.'

OBSERVATIONS

ON

THE ARTICLES OF PEACE

Between James Earl of Ormond for King Charles the Firſt on the one hand, and the Iriſh Rebels and Papiſts on the other hand:

And on a Letter ſent by Ormond to Colonel Jones, Governor of Dublin. And a Repreſentation of the Scots Preſbytery at Belfaſt in Ireland.

To which the ſaid Articles, Letter, with Colonel Jones's Anſwer to it, and Repreſentation, &c., are prefixed.

A PROCLAMATION.

ORMOND,

WHEREAS articles of peace are made, concluded, accorded, and agreed upon, by and between us, James lord marquis of Ormond, lord lieutenant general, and general governor of his majeſty's kingdom of Ireland, by virtue of the authority wherewith we are intruſted, for, and on the behalf of his moſt excellent majeſty of the one part, and the general aſſembly of the Roman Catholics of the ſaid kingdom, for, and on the behalf of his majeſty's Roman Catholic ſubjects of the ſame, on the other part; a true copy of which articles of peace are hereunto annexed: we the lord lieutenant do, by this proclamation, in his majeſty's name publiſh the ſame, and do in his majeſty's name ſtrictly charge and command all his majeſty's ſubjects, and all others inhabiting or reſiding within his majeſty's ſaid kingdom of Ireland, to take notice thereof, and to render due obedience to the ſame in all the parts thereof.

And as his majeſty hath been induced to this peace,

and

out of a deep ſenſe of the miſeries and calamities brought upon this his kingdom and people, and out of hope conceived by his majeſty, that it may prevent the further effuſion of his ſubjects blood, redeem them out of all the miſeries and calamities, under which they now ſuffer, reſtore them to all quietneſs and happineſs under his majeſty's moſt gracious government, deliver the kingdom in general from thoſe ſlaughters, depredations, rapines, and ſpoils, which always accompany a war, encourage the ſubjects and others with comfort to betake themſelves to trade, traffic, commerce, manufacture, and all other things, which uninterrupted may increaſe the wealth and ſtrength of the kingdom, beget in all his majeſty's ſubjects of this kingdom a perfect unity amongſt themſelves, after the too long continued diviſion amongſt them: ſo his majeſty aſſures himſelf, that all his ſubjects of this his kingdom (duly conſidering the great and ineſtimable benefits which they may find in this peace) will with all duty render due obedience thereunto. And we, in his majeſty's name, do hereby declare, That all perſons, ſo rendering due obedience to the ſaid peace, ſhall be protected, cheriſhed, countenanced, and ſupported by his majeſty, and his royal authority, according to the true intent and meaning of the ſaid articles of peace.

Given at our Caſtle at Kilkenny, January 17, 1648. GOD SAVE THE KING.

Articles of peace, made, concluded, accorded, and agreed upon, by and between his excellency James lord marquis of Ormond, lord lieutenant-general, and general of his majeſty's kingdom of Ireland, for, and on the behalf of his moſt excellent majeſty, by virtue of the authority wherewith the ſaid lord lieutenant is inſtructed, on the one part: and the general aſſembly of Roman Catholics of the ſaid kingdom, for and on the behalf of his majeſty's Roman Catholic ſubjects of the ſame, on the other part.

HIS majeſty's Roman Catholic ſubjects, as thereunto bound by allegiance, duty, and nature, do moſt humbly and freely acknowledge and recognize their ſovereign lord

d king Charles, to be lawful and undoubted king of
s kingdom of Ireland, and other his highneſs' realms
l dominions: and his majeſty's ſaid Roman Catholic
jects, apprehending with a deep ſenſe the ſad condition
ereunto his majeſty is reduced, as a further teſtimony
heir loyalty do declare, that they and their poſterity
ever, to the utmoſt of their power, even to the ex-
ıſe of their blood and fortunes, will maintain and
old his majeſty, his heirs and lawful ſucceſſors, their
hts, prerogatives, government, and authority, and
reunto freely and heartily will render all due obedience.
Of which faithful and loyal recognition and declara-
ı, ſo ſeaſonably made by the ſaid Roman Catholics,
majeſty is graciouſly pleaſed to accept, and accord-
ly to own them his loyal and dutiful ſubjects: and is
ther graciouſly pleaſed, to extend unto them the fol-
ing graces and ſecurities.

. IMPRIMIS, it is concluded, accorded, and agreed
n, by and between the ſaid lord lieutenant, for, and
the behalf of his moſt excellent majeſty, and the ſaid
ıeral aſſembly, for, and on the behalf of the ſaid Ro-
n Catholic ſubjects; and his majeſty is graciouſly
aſed, That it ſhall be enacted by act to be paſſed in
next parliament to be held in this kingdom, that all
l every the profeſſors of the Roman Catholic religion,
hin the ſaid kingdom, ſhall be free and exempt from
mulcts, penalties, reſtraints, and inhibitions, that are
may be impoſed upon them by any law, ſtatute, uſage,
uſtom whatſoever, for, or concerning the free exer-
e of the Roman Catholic religion: and that it ſhall
likewiſe enacted, That the ſaid Roman Catholics, or
r of them, ſhall not be queſtioned or moleſted in their
ſons, goods, or eſtates, for any matter or cauſe what-
ver, for, concerning, or by reaſon of the free exerciſe
heir religion, by virtue of any power, authority,
ute, law, or uſage whatſoever: and that it ſhall be
her enacted, That no Roman Catholic in this kingdom
ll be compelled to exerciſe any religion, form of de-
ion, or divine ſervice, other than ſuch as ſhall be
eeable to their conſcience; and that they ſhall not be
prejudiced

prejudiced or moleſted in their perſons, goods, or eſtates, for not obſerving, uſing, or hearing the book of common prayer, or any other form of devotion or divine ſervice by virtue of any colour or ſtatute made in the ſecond year of queen Elizabeth, or by virtue or colour of any other law, declaration of law, ſtatute, cuſtom, or uſage whatſoever, made or declared, or to be made or declared: and that it ſhall be further enacted, that the profeſſors of the Roman Catholic religion, or any of them, be not bound or obliged to take the oath, commonly called the oath of Supremacy, expreſſed in the ſtatute of 2 Elizabeth, c. 1, or in any other ſtatute or ſtatutes: and that the ſaid oath ſhall not be tendered unto them, and that the refuſal of the ſaid oath ſhall not redound to the prejudice of them, or any of them, they taking the oath of allegiance in hæc verba, viz. "I A. B. do hereby acknowledge, profeſs, teſtify, and declare in my conſcience, before God and the world, that our ſovereign lord king Charles is lawful and rightful king of this realm, and of other his majeſty's dominions and countries; and I will bear faith and true allegiance to his majeſty, and his heirs and ſucceſſors, and him and them will defend to the uttermoſt of my power againſt all conſpiracies and attempts whatſoever, which ſhall be made againſt his or their crown and dignity; and do my beſt endeavour, to diſcloſe and make known to his majeſty, his heirs and ſucceſſors, or to the lord deputy, or other his majeſty's chief governor or governors for the time being, all treaſon or traiterous conſpiracies, which I ſhall know or hear to be intended againſt his majeſty, or any of them: and I do make this recognition and acknowledgment, heartily, willingly, and truly, upon the true faith of a chriſtian; ſo help me God, &c." Nevertheleſs, the ſaid lord lieutenant doth not hereby intend, that any thing in theſe conceſſions contained ſhall extend, or be conſtrued to extend, to the granting of churches, church-livings, or the exerciſe of juriſdiction, the authority of the ſaid lord lieutenant not extending ſo far; yet the ſaid lord lieutenant is authorized to give the ſaid Roman Catholics full aſſurance, as hereby the ſaid lord lieutenant doth give unto the ſaid Roman Catholics full aſſurance, that they

or

ny of them ſhall not be moleſted in the poſſeſſion
ch they have at preſent of the churches or church-
ngs, or of the exerciſe of their reſpective juriſdictions,
hey now exerciſe the ſame, until ſuch time as his ma-
y, upon a full conſideration of the deſires of the ſaid
nan Catholics in a free parliament to be held in this
gdom, ſhall declare his further pleaſure.

I. Item, It is concluded, accorded, and agreed upon,
and between the ſaid parties, and his majeſty is further
ciouſly pleaſed, that a free parliament ſhall be held in
kingdom within ſix months after the date of theſe
cles of peace, or as ſoon after as Thomas lord viſcount
lon of Coſtologh, lord preſident of Connaght, Don-
gh lord viſcount Muſkerry, Francis lord baron of
unry, Alexander Mac-Donnel eſquire, ſir Lucas Dil-
knight, ſir Nicholas Plunket knight, ſir Richard
rnwall baronet, Jeffery Brown, Donnogh O Callaghan,
rlah O Neile, Miles Reily, and Gerrald Fennell, eſquires,
he major part of them, will deſire the ſame, ſo that
poſſibility it may be held; and that in the mean time,
until the articles of theſe preſents, agreed to be paſſed
parliament, be accordingly paſſed, the ſame ſhall be
iolably obſerved as to the matters therein contained,
if they were enacted in parliament: and that in caſe a
liament be not called and held in this kingdom within
years next after the date of theſe articles of peace,
n his majeſty's lord lieutenant, or other his majeſty's
ef governor or governors of this kingdom for the
ne being, will, at the requeſt of the ſaid Thomas lord
count Dillon of Coſtologh, lord preſident of Con-
ght, Donnogh lord viſcount Muſkerry, Francis lord
ron of Athunry, Alexander Mac-Donnel eſquire, ſir
cas Dillon, knight, ſir Nicholas Plunket knight, ſir
chard Barnwall baronet, Jeffery Brown, Donnogh O
llaghan, Tyrlah O Neile, Miles Reily, and Gerrald
nnell, eſquires, or the major part of them, call a general
embly of the lords and commons of this kingdom, to
end upon the ſaid lord lieutenant or other his ma-
ty's chief governor or governors of this kingdom for
time being, in ſuch convenient place, for the better
tling of the affairs of the kingdom. And it is further
concluded,

concluded, accorded, and agreed upon, by and between the ſaid parties, that all matters, that by theſe articles are agreed upon to be paſſed in parliament, ſhall be tranſmitted into England, according to the uſual form, to be paſſed in the ſaid parliament, and that the ſaid acts ſo agreed upon, and ſo to be paſſed, ſhall receive no disjunction or alteration here in England; provided that nothing ſhall be concluded by both or either of the ſaid houſes of parliament, which may bring prejudice to any of his majeſty's Proteſtant party, or their adherents, or to his majeſty's Roman Catholic ſubjects, or their adherents, other than ſuch things as upon this treaty are concluded to be done, or ſuch things as may be proper for the committee of privileges of either or both houſes to take cognizance of, as in ſuch caſes heretofore hath been accuſtomed; and other than ſuch matters as his majeſty will be graciouſly pleaſed to declare his further pleaſure in, to be paſſed in parliament for the ſatisfaction of his ſubjects; and other than ſuch things as ſhall be propounded to either or both houſes by his majeſty's lord lieutenant or other chief governor or governors of this kingdom for the time being, during the ſaid parliament, for the advancement of his majeſty's ſervice, and the peace of the kingdom; which clauſe is to admit no conſtruction which may trench upon the articles of peace or any of them; and that both houſes of parliament may conſider what they ſhall think convenient touching the repeal or ſuſpenſion of the ſtatute, commonly called Poyning's Act, intitled, An Act that no parliament be holden in that land, until the Acts be certified into England.

III. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that all acts, ordinances, and orders, made by both or either houſes of parliament, to the blemiſh, diſhonour, or prejudice of his majeſty's Roman Catholic ſubjects of this kingdom, or any of them, ſince the 7th Auguſt 1641, ſhall be vacated; and that the ſame, and all exemplifications and other acts which continue the memory of them, be made void by act to be paſſed in the next parliament to be held in this kingdom: and that in the mean time the ſaid acts or ordinances, or any

any of them, ſhall be no prejudice to the ſaid Roman Catholics, or any of them.

IV. Item, It is alſo concluded, and agreed upon, and his majeſty is likewiſe graciouſly pleaſed, that all indictments, attainders, outlawries in this kingdom, and all the proceſſes and other proceedings thereupon, and all letters patents, grants, leaſes, cuſtoms, bonds, recognizances, and all records, act or acts, office or offices, inquiſitions, and all other things depending upon, or taken by reaſon of the ſaid indictments, attainders, or outlawries, ſince the 7th day of Auguſt, 1641, in prejudice of the ſaid Catholics, their heirs, executors, adminiſtrators, or aſſigns, or any of them, or the widows of them, or any of them, ſhall be vacated and made void in ſuch ſort as no memory ſhall remain thereof, to the blemiſh, diſhonour, or prejudice of the ſaid Catholics, their heirs, executors, adminiſtrators, or aſſigns, or any of them; or the widows of them, or any of them; and that to be done when the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neal, Miles Reilie, and Gerrald Fennell, eſquires, or the major part of them, ſhall deſire the ſame, ſo that by poſſibility it may be done: and in the mean time, that no ſuch indictments, attainders, outlawries, proceſſes, or any other proceedings thereupon, or any letters patents, grants, leaſes, cuſtodiums, bonds, recognizances, or any record or acts, office or offices, inquiſitions, or any other thing depending upon, or by reaſon of the ſaid indictments, attainders, or outlawries, ſhall in any ſort prejudice the ſaid Roman Catholics, or any of them, but that they and every of them ſhall be forthwith, upon perfection of theſe articles, reſtored to their reſpective poſſeſſions and hereditaments reſpectively; provided, that no man ſhall be queſtioned, by reaſon hereof, for meſne rates or waſtes, ſaving wilful waſtes committed after the firſt day of May laſt paſt.

V. Item, It is likewiſe concluded, accorded, and agreed

and his majeſty is graciouſly pleaſed, that as ſoon as poſſible may be, all impediments, which may hinder the ſaid Roman Catholics to ſit or vote in the next intended parliament, or to chooſe, or to be choſen knights and burgeſſes, to ſit or vote there, ſhall be removed, and that before the ſaid parliament.

VI. Item, It is concluded, accorded, and agreed upon, and his majeſty is further graciouſly pleaſed, that all debts ſhall remain as they were upon the twenty-third of October, 1641. Notwithſtanding any diſpoſition made or to be made, by virtue or colour of any attainder, outlawry, fugacy, or other forfeiture; and that no diſpoſition or grant made, or to be made of any ſuch debts, by virtue of any attainder, outlawry, fugacy, or other forfeiture, ſhall be of force; and this to be paſſed as an act in the next parliament.

VII. Item, It is further concluded, accorded, and agreed upon, and his majeſty is graciouſly pleaſed, that for the ſecuring of the eſtates or reputed eſtates of the lords, knights, gentlemen, and freeholders, or reputed freeholders, as well of Connaght and county of Clare, or country of Thomond, as of the counties of Limerick and Tipperary, the ſame to be ſecured by act of parliament, according to the intent of the twenty-fifth article of the graces granted in the fourth year of his majeſty's reign, the tenour whereof, for ſo much as concerneth the ſame, doth enſue in theſe words, viz. We are graciouſly pleaſed, that for the inhabitants of Connaght and country of Thomond and county of Clare, that their ſeveral eſtates ſhall be confirmed unto them and their heirs againſt us, and our heirs and ſucceſſors, by act to be paſſed in the next parliament to be holden in Ireland, to the end the ſame may never hereafter be brought into any further queſtion by us, or our heirs and ſucceſſors. In which act of parliament ſo to be paſſed, you are to take care, that all tenures in capite, and all rents and ſervices as are now due, or which ought to be anſwered unto us out of the ſaid lands and premiſes, by any letters patent paſſed thereof ſince the firſt year of king Henry VIII. or found by any office taken from the ſaid firſt year of king Henry VIII, until the twenty-firſt of July 1645, whereby

whereby our late dear father, or any his predeceſſors actually received any profit by wardſhip, liveries, primerſeiſins, meſne rates, ouſterlemains or fines of alienation without licenſe, be again reſerved unto us, our heirs and ſucceſſors, and all the reſt of the premiſes to be holden of our caſtle of Athlone by knight's ſervice, according to our ſaid late father's letters, notwithſtanding any tenures in capite found for us by office, ſince the twenty-firſt of July 1615, and not appearing in any ſuch letters patent, or offices; within which rule his majeſty is likewiſe graciouſly pleaſed, that the ſaid lands in the counties of Limerick and Tipperary be included, but to be held by ſuch rents and tenures only, as they were in the fourth year of his majeſty's reign; provided always, that the ſaid lords, knights, gentlemen, and freeholders of the ſaid province of Connaght, county of Clare, and country of Thomond, and counties of Tipperary and Limerick, ſhall have and enjoy the full benefit of ſuch compoſition and agreement which ſhall be made with his moſt excellent majeſty, for the court of wards, tenures, reſpites and iſſues of homage, any clauſe in this article to the contrary notwithſtanding. And as for the lands within the counties of Kilkenny and Wickloe, unto which his majeſty was intitled by offices, taken or found in the time of the earl of Strafford's government in this kingdom, his majeſty is further graciouſly pleaſed, that the ſtate thereof ſhall be conſidered in the next intended parliament, where his majeſty will aſſent unto that which ſhall be juſt and honourable; and that the like act of limitation of his majeſty's titles, for the ſecurity of the eſtates of his ſubjects of this kingdom, be paſſed in the ſaid parliament, as was enacted in the twenty-firſt year of his late majeſty king James his reign in England.

VIII. Item, It is further concluded, accorded, and agreed upon, and his majeſty is further graciouſly pleaſed, that all incapacities impoſed upon the natives of this kingdom or any of them, as natives, by any act of parliament, proviſoes in patents or otherwiſe, be taken away by act to be paſſed in the ſaid parliament; and that they may be enabled to erect one or more inns of court in or near the city of Dublin or elſewhere, as ſhall be thought

fit by his majeſty's lord lieutenant, or other chief governor or governors of this kingdom for the time being; and in caſe the ſaid inns of court ſhall be erected before the firſt day of the next parliament, then the ſame ſhall be in ſuch places as his majeſty's lord lieutenants or other chief governor or governors of this kingdom for the time being, by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnell eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, Gerrald Fennell, eſquires, or any ſeven or more of them, ſhall think fit; and that ſuch ſtudents, natives of this kingdom, as ſhall be therein, may take and receive the uſual degrees accuſtomed in any inns of court, they taking the enſuing oath viz., "I A. B. do hereby acknowledge, profeſs, teſtify, and declare in my conſcience before God and the world, that our ſovereign lord king Charles is lawful and rightful king of this realm, and of other his majeſty's dominions and countries; and I will bear faith and true allegiance to his majeſty, and his heirs and ſucceſſors, and him and them will defend to the utmoſt of my power againſt all conſpiracies and attempts whatſoever, which ſhall be made againſt his or their crown and dignity; and do my beſt endeavour to diſcloſe and make known to his majeſty, his heirs and ſucceſſors, or to the lord deputy, or other his majeſty's chief governor or governors for the time being, all treaſon or traiterous conſpiracies, which I ſhall know or hear to be intended againſt his majeſty or any of them. And I do here make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a chriſtian; ſo help me God, &c." And his majeſty is further graciouſly pleaſed, that his majeſty's Roman Catholic ſubjects may erect and keep free ſchools for education of youths in this kingdom, any law or ſtatute to the contrary notwithſtanding; and that all the matters aſſented unto in this article be paſſed as acts of parliament in the ſaid next parliament.

IX. Item,

IX. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that places of command, honour, profit, and truſt, in his majeſty's armies in this kingdom, ſhall be, upon perfection of theſe articles, actually and by particular inſtances conferred upon his Roman Catholic ſubjects of this kingdom; and that upon the diſtribution, conferring, and diſpoſing of the places of command, honour, profit, and truſt, in his majeſty's armies in this kingdom, for the future no difference ſhall be made between the ſaid Roman Catholics, and other his majeſty's ſubjects; but that ſuch diſtribution ſhall be made with equal indifferency according to their reſpective merits and abilities; and that all his majeſty's ſubjects of this kingdom, as well Roman Catholics as others, may, for his majeſty's ſervice and their own ſecurity, arm themſelves the beſt they may, wherein they ſhall have all fitting encouragement. And it is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that places of command, honour, profit, and truſt, in the civil government in this kingdom, ſhall be, upon paſſing of the bills in theſe articles mentioned in the next parliament, actually and by particular inſtances conferred upon his majeſty's Roman Catholic ſubjects of this kingdom; and that in the diſtribution, conferring, and diſpoſal of the places of command, honour, profit, and truſt, in the civil government, for the future no difference ſhall be made between the ſaid Roman Catholics, and other his majeſty's ſubjects, but that ſuch diſtribution ſhall be made with equal indifferency, according to their reſpective merits and abilities; and that in the diſtribution of miniſterial offices or places, which now are, or hereafter ſhall be void in this kingdom, equality ſhall be uſed to the Roman Catholic natives of this kingdom, as to other his majeſty's ſubjects; and that the command of forts, caſtles, garriſon-towns, and other places of importance, of this kingdom, ſhall be conferred upon his majeſty's Roman Catholic ſubjects of this kingdom, upon perfection of theſe articles, actually and by particular inſtances; and that in the diſtribution, conferring, and diſpoſal of the

forts, caſtles, garriſon-towns, and other places of importance in this kingdom, no difference ſhall be made between his majeſty's Roman Catholic ſubjects of this kingdom, and other his majeſty's ſubjects, but that ſuch diſtribution ſhall be made with equal indifferency, according to their reſpective merits and abilities; and that until full ſettlement in parliament fifteen thouſand foot, and two thouſand and five hundred horſe of the Roman Catholics of this kingdom ſhall be of the ſtanding army of this kingdom: and that until full ſettlement in parliament as aforeſaid, the ſaid lord lieutenant or other chief governor or governors of this kingdom for the time being, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon kt. ſir Nicholas Plunket, kt, ſir Richard Barnwall baronet, Jeffery Browne Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, ſhall diminiſh or add unto the ſaid number, as they ſhall ſee cauſe from time to time.

X. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that his majeſty will accept of the yearly rent, or annual ſum of twelve thouſand pounds ſterling, to be applotted with indifferency and equality, and conſented to be paid to his majeſty, his heirs and ſucceſſors, in parliament, for and in lieu of the court of wards in this kingdom, tenures in capite, common knight's ſervice, and all other tenures within the cognizance of that court, and for and in lieu of all wardſhips, primer-ſeiſins, fines, ouſterlemains, liveries, intruſions, alienations, meſne rates, releaſes, and all other profits, within the cognizance of the ſaid court, or incident

to

to the ſaid tenures, or any of them, or fines to accrue to his majeſty by reaſon of the ſaid tenures or any of them, and for and in lieu of reſpites and iſſues of homage and fines for the ſame. And the ſaid yearly rent being ſo applotted and conſented unto in parliament as aforeſaid, then a bill is to be agreed on in the ſaid parliament, to be paſſed as an act for the ſecuring of the ſaid yearly rent, or annual ſum of twelve thouſand pounds to be applotted as aforeſaid, and for the extinction and taking away of the ſaid court, and other matters aforeſaid in this article contained. And it is further agreed, that reaſonable compoſitions ſhall be accepted for wardſhips ſince the twenty-third of October 1641, and already granted; and that no wardſhips fallen and not granted, or that ſhall fall, ſhall be paſſed until the ſucceſs of this article ſhall appear; and if his majeſty be ſecured as aforeſaid, then all wardſhips fallen ſince the ſaid twenty-third of October, are to be included in the argument aforeſaid, upon compoſition to be made with ſuch as have grants as aforeſaid; which compoſition, to be made with the grantees ſince the time aforeſaid, is to be left to indifferent perſons, and the umpirage to the ſaid lord lieutenant.

XI. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that no nobleman or peer of this realm, in parliament, ſhall be hereafter capable of more proxies than two, and that blank proxies ſhall be hereafter totally diſallowed; and that if ſuch noblemen or peers of this realm, as have no eſtates in this kingdom, do not within five years, to begin from the concluſion of theſe articles, purchaſe in this kingdom as followeth, viz. a lord baron 200l. per annum, a lord viſcount 400l. per annum, and an earl 600l. per annum, a marquis 800l. per annum, a duke 1000l. per annum, ſhall loſe their votes in parliament, until ſuch time as they ſhall afterwards acquire ſuch eſtates reſpectively; and that none be admitted in the houſe of commons, but ſuch as ſhall be eſtated and reſident within this kingdom.

XII. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that as for and concerning

the independency of the parliament of Ireland on the parliament of England, his majeſty will leave both houſes of parliament in this kingdom to make ſuch declaration therein as ſhall be agreeable to the laws of the kingdom of Ireland.

XIII. Item, It is further concluded and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that the council-table ſhall contain itſelf within its proper bounds, in handling matters of ſtate and weight fit for that place; amongſt which the patents of plantation, and the offices whereupon thoſe grants are founded, to be handled, as matters of ſtate, and to be heard and determined by his majeſty's lord lieutenant, or other chief governor or governors for the time being, and the council publicly at the council-board, and not otherwiſe; but titles between party and party, grown after theſe patents granted, are to be left to the ordinary courſe of law; and that the council-table do not hereafter intermeddle with common buſineſs, that is within the cognizance of the ordinary courts, nor with the altering of poſſeſſions of lands, nor make, nor uſe, private orders, hearings, or references concerning any ſuch matter, nor grant any injunction or order for ſtay of any ſuits in any civil cauſe: and that parties grieved for or by reaſon of any proceedings formerly had there may commence their ſuits, and proſecute the ſame in any of his majeſty's courts of juſtice or equity for remedy of their pretended rights, without any reſtraint or interruption from his majeſty, or otherwiſe, by the chief governor or governors and council of this kingdom: and that the proceedings in the reſpective precedency courts ſhall be purſuant and according to his majeſty's printed book of inſtructions, and that they ſhall contain themſelves within the limits preſcribed by that book, when the kingdom ſhall be reſtored to ſuch a degree of quietneſs, as they be not neceſſarily enforced to exceed the ſame.

XIV. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that as for and concerning one ſtatute made in this kingdom, in the eleventh

year of the reign of queen Elizabeth, entitled, An Act for ſtaying of wool-flocks, tallow, and other neceſſaries, within this realm: and another ſtatue made in the ſaid kingdom, in the twelfth year of the reign of the ſaid queen, entitled, An Act

And one other ſtatute made in the ſaid kingdom, in the 13th year of the reign of the ſaid late queen, entitled, An exemplanation of the act made in a ſeſſion of this parliament for the ſtaying of wool-flocks, tallow, and other wares and commodities mentioned in the ſaid act, and certain articles added to the ſame act, all concerning ſtaple or native commodities of this kingdom, ſhall be repealed, if it ſhall be ſo thought fit in the parliament (excepting for wool and wool-fells) and that ſuch indifferent perſons as ſhall be agreed on by the ſaid lord lieutenant and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkery, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knt. ſir Nicholas Plunket knt. ſir Richard Barnwall baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reilly, and Gerrald Fennell, eſquires, or any ſeven or more of them, ſhall be authorized by commiſſion under the great ſeal, to moderate and aſcertain the rates of merchandize to be exported or imported out of, or into this kingdom, as they ſhall think fit.

XV. Item, it is concluded, accorded, and agreed, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that all and every perſon and perſons within this kingdom, pretending to have ſuffered by offices found of ſeveral countries, territories, lands and hereditaments in the province of Ulſter, and other provinces of this kingdom, in or ſince the firſt year of king James his reign, or by attainders or forfeitures, or by pretence and colour thereof, ſince the ſaid firſt year of king James, or by other acts depending on the ſaid offices, attainders, and forfeitures, may petition his majeſty in parliament for relief and redreſs; and if after examination it ſhall appear to his majeſty, the ſaid perſons, or any of them have been injured, then his majeſty will preſcribe a courſe to

to repair the perſon or perſons ſo ſuffering, according to juſtice and honour.

XVI. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that as to the particular caſes of Maurice lord viſcount de Rupe and Fermoy, Arthur lord viſcount Iveagh, ſir Edward Fitz-Gerrald of Cloangliſh baronet, Charles Mac Carty Reag, Roger Moore, Anthony Mare, William Fitz-Gerrald, Anthony Lince, John Lacy, Collo Mac-brien Mac-Mahone, Daniel Caſtigni, Edmond Fitz-Gerrald of Ballimartir, Lucas Keating, Theobald Roch Fitz-Miles, Thomas Fitz-Gerrald of the Valley, John Bourke of Logmaſke, Edmond Fitz-Gerrald of Ballimallo, James Fitz-William Gerrald of Glinane, and Edward Sutton, they may petition his majeſty in the next parliament, whereupon his majeſty will take ſuch conſideration of them as ſhall be juſt and fit.

XVII Item, It is likewiſe concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that the citizens, freemen, burgeſſes, and former inhabitants of the city of Cork, towns of Youghall and Downegarven, ſhall be forthwith, upon perfection of theſe articles, reſtored to their reſpective poſſeſſions and eſtates in the ſaid city and towns reſpectively, where the ſame extends not to the endangering of the ſaid garriſons in the ſaid city and towns. In which caſe, ſo many of the ſaid citizens and inhabitants, as ſhall not be admitted to the preſent poſſeſſion of their houſes within the ſaid city and towns, ſhall be afforded a valuable annual rent for the ſame, until ſettlement in parliament, at which time they ſhall be reſtored to thoſe their poſſeſſions. And it is further agreed, and his majeſty is graciouſly pleaſed, that the ſaid citizens, freemen, burgeſſes, and inhabitants of the ſaid city of Cork, and towns of Youghall and Downegarven, reſpectively, ſhall be enabled in convenient time before the next parliament to be held in this kingdom, to chooſe and return burgeſſes into the ſame parliament.

XVIII. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty

majeſty is further graciouſly pleaſed, that an act of oblivion be paſſed in the next parliament, to extend to all his majeſty's ſubjects of this kingdom, and their adherents, of all treaſons and offences, capital, criminal, and perſonal, and other offences of what nature, kind, or quality ſoever, in ſuch manner, as if ſuch treaſons or offences had never been committed, perpetrated, or done: that the ſaid act do extend to the heirs, children, kindred, executors, adminiſtrators, wives, widows, dowagers, or aſſigns of ſuch of the ſaid ſubjects and their adherents, who died on, before, or ſince, the 23d of October 1641. That the ſaid act do relate to the firſt day of the next parliament; that the ſaid act do extend to all bodies politic and corporate, and their reſpective ſucceſſors, and unto all cities, boroughs, counties, baronies, hundreds, towns, villages, thitlings, and every of them within this kingdom, for and concerning all and every of the ſaid offences, or any other offence or offences in them, or any of them committed or done by his majeſty's ſaid ſubjects, or their adherents, or any of them, before, in or ſince the 23d of October, 1641. Provided this act ſhall not extend to be conſtrued to pardon any offence or offences, for which any perſon or perſons have been convicted or attainted on record at any time before the 23d day of October, in the year of our Lord 1641. That this act ſhall extend to piracies, and all other offences committed upon the ſea by his majeſty's ſaid ſubjects, or their adherents, or any of them; that in this act of oblivion, words of releaſe, acquittal, and diſcharge be inſerted, that no perſon or perſons, bodies politic or corporate, counties, cities, boroughs, baronies, hundreds, towns, villages, thitlings, or any of them within this kingdom, included within the ſaid act, be troubled, impeached, ſued, inquieted, or moleſted, for, or by reaſon of any offence, matter or thing whatſoever, compriſed within the ſaid act: and the ſaid act ſhall extend to all rents, goods and chattels taken, detained or grown due to the ſubjects of the one party from the other ſince the 23d of October, 1641, to the date of theſe articles of peace; and alſo to all cuſtoms, rents, arrears of rents, to prizes, recognizances, bonds, fines, forfeitures, penalties, and

and to all other profits, perquiſites, and dues which were due, or did, or ſhould accrue to his majeſty on, before, or ſince the 23d of October, 1641, until the perfection of theſe articles, and likewiſe to all meſne rates, fines of what nature ſoever, recognizances, judgments, executions thereupon, and penalties whatſoever, and to all other profits due to his majeſty ſince the ſaid 23d of October and before, until the perfection of theſe articles, for, by reaſon, or which lay within the ſurvey or recognizance of the court of wards; and alſo to all reſpites, iſſues of homage, and fines for the ſame: provided this ſhall not extend to diſcharge or remit any of the king's debts or ſubſidies due before the ſaid 23d of October, 1641, which were then or before levied, or taken by the ſheriffs, commiſſioners, receivers, or collectors, and not then or before accounted for, or ſince diſpoſed to the public uſe of the ſaid Roman Catholic ſubjects, but that ſuch perſons may be brought to account for the ſame after full ſettlement in parliament, and not before, unleſs by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knt. ſir Nicholas Plunket knt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, as the ſaid lord lieutenant otherwiſe ſhall think fit; provided, that ſuch barbarous and inhuman crimes, as ſhall be particularized and agreed upon by the ſaid lord lientenant, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon, knt. ſir Nicholas Plunket knt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennel, eſquires, or any ſeven or more of them, as to the actors and procurers thereof, be left to be tried and adjudged by ſuch indifferent commiſſioners, as ſhall be agreed upon by the ſaid lord lieutenant, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh

lord

lord Viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon, knt. ſir Nicholas Plunket knt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennel, eſquires, or any ſeven or more of them; and that the power of the ſaid commiſſioners ſhall continue only for two years next enſuing the date of their commiſſion, which commiſſion is to iſſue within ſix months after the date of theſe articles, provided alſo, that the commiſſioners, to be agreed on for the trial of the ſaid particular crimes to be excepted, ſhall hear, order, and determine all caſes of truſt, where relief may or ought in equity to be afforded againſt all manner of perſons, according to the equity and circumſtances of every ſuch caſes; and his majeſty's chief governor or governors, and other magiſtrates for the time being, in all his majeſty's courts of juſtice, and other his majeſty's officers of what condition or quality ſoever, be bound and required to take notice of, and purſue the ſaid act of oblivion, without pleading or ſuit to be made for the ſame: and that no clerk or other officers do make out or write out any manner of writs, proceſſes, ſummons, or other precept, for, concerning, or by reaſon of any matter, cauſe, or thing whatſoever, releaſed, forgiven, diſcharged, or to be forgiven by the ſaid act, under pain of twenty pound ſterling, and that no ſheriff or other officer do execute any ſuch writ, proceſs, ſummons, or precept; and that no record, writing, or memory, do remain of any offence or offences, releaſed or forgiven, or mentioned to be forgiven by this act; and that all other clauſes uſually inſerted in acts of general pardon or oblivion, enlarging his majeſty's grace and mercy, not herein particularized, be inſerted and compriſed in the ſaid act, when the bill ſhall be drawn up with the exceptions already expreſſed, and none other. Provided always, that the ſaid act of oblivion ſhall not extend to any treaſon, felony, or other offence or offences, which ſhall be committed or done from or after the date of theſe articles, until the firſt day of the before-mentioned next parliament, to be held in this kingdom. Provided alſo, that any act or acts, which ſhall be done by virtue, pretence,

tence, or in purſuance of theſe articles of peace agreed upon, or any act or acts which ſhall be done by virtue, colour or pretence of the power or authority uſed or exerciſed by and amongſt the confederate Roman Catholics after the date of the ſaid articles, and before the ſaid publication, ſhall not be accounted, taken, conſtrued, or to be, treaſon, felony, or other offence to be excepted out of the ſaid act of oblivion; provided likewiſe, that the ſaid act of oblivion ſhall not extend unto any perſon or perſons, that will not obey and ſubmit unto the peace concluded and agreed on by theſe articles; provided further, that the ſaid act of oblivion, or any thing in this article contained, ſhall not hinder or interrupt the ſaid Thomas lord Viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel, eſquire, ſir Lucas Dillon kt. ſir Nicholas Plunket kt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh OCallaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſqrs. or any ſeven or more of them, to call to an account, and proceed againſt the council and congregation, and the reſpective ſupreme councils, commiſſioners general, appointed hitherto from time to time by the confederate Catholics to manage their affairs, or any other perſon or perſons accountable to an accompt for their reſpective receipts and diſburſements, ſince the beginning of their reſpective employments under the ſaid confederate Catholics, or to acquit or releaſe any arrear of exciſes, cuſtoms, or public taxes, to be accounted for ſince the 23d of October 1641, and not diſpoſed of hitherto to the public uſe, but that the parties therein concerned may be called to an account for the ſame as aforeſaid, by the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon, kt. Sir Nicholas Plunket kt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh OCallaghan Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſqrs. or any ſeven or more of them, the ſaid act or any thing therein contained to the contrary notwithſtanding.

XIX. Item, It is further concluded, accorded, and agreed

agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that an act be paſſed in the next parliament, prohibiting, that neither the lord deputy or other chief governor or governors, lord chancellor, lord high treaſurer, vicetreaſurer, chancellor, or any of the barons of the exchequer, privy council, or judges of the four courts, be farmers of his majeſty's cuſtoms within this kingdom.

XX. Item, It is likewiſe concluded, accorded, and agreed, and his majeſty is graciouſly pleaſed, that an act of parliament paſs in this kingdom againſt monopolies, ſuch as was enacted in England 21 Jacobi Regis, with a further clauſe of repealing of all grants of monopolies in this kingdom; and that commiſſioners be agreed upon by the ſaid lord lieutenant, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knt. ſir Nicholas Plunket kt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, to ſet down the rates for the cuſtom and impoſition to be laid on Aquavitæ, Wine, Oil, Yarn, and Tobacco.

XXI. Item, It is concluded, accorded, and agreed, and his majeſty is graciouſly pleaſed, that ſuch perſons as ſhall be agreed on by the ſaid lord lieutenant, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Brown, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, ſhall be as ſoon as may be authorized by commiſſion under the great ſeal, to regulate the court of caſtle-chamber, and ſuch cauſes as ſhall be brought into, and cenſured in the ſaid court.

XXII. Item, It is concluded, accorded, and agreed upon, and his majeſty is graciouſly pleaſed, that two acts lately paſſed in this kingdom, one prohibiting the plowing

ing with horſes by the tail, and the other prohibiting the burning of oats in the ſtraw, be repealed.

XXIII. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, for as much as upon application of agents from this kingdom unto his majeſty in the fourth year of his reign, and lately upon humble ſuit made unto his majeſty, by a committee of both houſes of the parliament of this kingdom, order was given by his majeſty for redreſs of ſeveral grievances, and for ſo many of thoſe as are not expreſſed in the articles, whereof both houſes in the next enſuing parliament ſhall deſire the benefit of his majeſty's ſaid former directions for redreſs therein, that the ſame be afforded them; yet ſo as for prevention of inconveniencies to his majeſty's ſervice, that the warning mentioned in the 24th article of the graces in the fourth year of his majeſty's reign be ſo underſtood, that the warning being left at the perſon's dwelling houſes be held ſufficient warning; and as to the 22d article of the ſaid graces, the proceſs hitherto uſed in the court of wards do ſtill continue, as hitherto it hath done in that, and hath been uſed in other Engliſh courts; but the court of wards being compounded for, ſo much of the aforeſaid anſwer as concerns warning and proceſs ſhall be omitted.

XXIV. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that maritime cauſes may be determined in this kingdom, without driving of merchants or others to appeal and ſeek juſtice elſewhere: and if it ſhall fall out, that there be cauſe of an appeal, the party grieved is to appeal to his majeſty in the chancery of Ireland; and that ſentence thereupon to be given by the delegates, to be definitive, and not be queſtioned upon any further appeal, except it be in the parliament of this kingdom, if the parliament ſhall then be ſitting, otherwiſe not, this to be by act of parliament; and until the ſaid parliament, the admiralty and maritime cauſes ſhall be ordered and ſettled by the ſaid lord lieutenant, or other chief governor or governors of this kingdom for the time being, by and with the advice and conſent of the

the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Browne, Donnagh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them.

XXV. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that his majeſty's ſubjects of this kingdom be eaſed of all rents and increaſe of rents lately raiſed on the commiſſion or defective titles in the earl of Strafford's government, this to be by act of parliament; and that in the mean time the ſaid rents or increaſe of rents ſhall not be written for by any proceſs, or the payment thereof in any ſort procured.

XXVI. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that, by act to be paſſed in the next parliament, all the arrears of intereſt-money, which did accrue and grow due by way of debt, mortgage, or otherwiſe, and yet not ſo ſatisfied ſince the 23d of October 1641, until the perfection of theſe articles, ſhall be fully forgiven and be releaſed; and that for and during the ſpace of three years next enſuing, no more ſhall be taken for uſe or intereſt of money than five pounds per centum. And in caſes of equity ariſing through diſability, occaſioned by the diſtempers of the times, the conſiderations of equity to be like unto both parties: but as for mortgages contracted between his majeſty's Roman Catholic ſubjects and others of that party, where entry hath been made by the mortgagers againſt law, and the condition of their mortgages, and detained wrongfully by them without giving any ſatisfaction to the mortgagees, or where any ſuch mortgagers have made profit of the lands mortgaged above country charges, yet anſwer no rent, or other conſideration to the mortgagees, the parties grieved reſpectively to be left for relief to a courſe of equity therein.

XXVII. Item, It is further concluded, accorded, and agreed upon, and his majeſty is further graciouſly pleaſed,

that, immediately upon perfection of theſe articles, the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, ſhall be authorized by the ſaid lord lieutenant, to proceed in, hear, determine, and execute, in and throughout this kingdom, the enſuing particulars, and all the matters thereupon depending; and that ſuch authority, and other the authorities hereafter mentioned, ſhall remain of force without revocation, alteration, or diminution, until acts of parliament be paſſed, according to the purport and intent of theſe articles; and that in caſe of death, miſcarriage, diſability to ſerve by reaſon of ſickneſs or otherwiſe of any the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donongh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, and his majeſty's lord lieutenant, or other chief governor or governors of this kingdom for the time being, ſhall name and authorize another in the place of ſuch as ſhall be ſo dead or ſhall miſcarry himſelf, or be ſo diſabled, and that the ſame ſhall be ſuch perſon as ſhall be allowed of by the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Cannaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſqrs. or any ſeven or more of them then living. And that the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket kt. ſir Richard Barnwall baronet, Jeffery Browne, Donnogh

O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, ſhall have power to applot, raiſe, and levy means with indifferency and equality by way of exciſe or otherwiſe, upon all his majeſty's ſubjects within the ſaid kingdom, their perſons, eſtates, and goods, towards the maintenance of ſuch army or armies as ſhall be thought fit to continue, and be in pay for his majeſty's ſervice, the defence of the kingdom, and other the neceſſary public charges thereof, and towards the maintenance of the forts, caſtles, garriſons, and towns, until there ſhall be a ſettlement in parliament of both or either party, other than ſuch of the ſaid forts, garriſons, and caſtles, as from time to time ſhall be thought fit, by his majeſty's chief governor or governors of this kingdom for the time being, by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon knight, ſir Nicholas Plunket knight, ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, not to be maintained at the charge of the public: provided, that his majeſty's lord lieutenant, or other chief governor or governors of this kingdom for the time being, be firſt made acquainted with ſuch taxes, levies, and exciſes as ſhall be made, and the manner of levying thereof, and that he approve the ſame; and to the end that ſuch of the proteſtant party, as ſhall ſubmit to the peace, may in the ſeveral countries, where any of their eſtates lie, have equality and indifferency in the aſſeſſments and levies, that ſhall concern their eſtates in the ſaid ſeveral counties.

It is concluded, accorded, and agreed upon, and his majeſty is graciouſly pleaſed, that in the directions, which ſhall iſſue to any ſuch county, for the applotting, ſubdividing, and levying of the ſaid public aſſeſſments, ſome of the ſaid proteſtant party ſhall be joined with others of the Roman Catholic party to that purpoſe, and for effecting that ſervice; and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh

nogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon kt., ſir Nicholas Plunket kt., ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, ſhall have power to levy the arrears of all exciſes and other public taxes impoſed by the confederate Roman Catholics, and yet unpaid, and to call receivers and other accomptants of all former taxes and all public dues to a juſt and ſtrict account, either by themſelves, or by ſuch as they or any ſeven or more of them ſhall name or appoint; and that the ſaid lord lieutenant, or any other chief governor or governors of this kingdom for the time being, ſhall from time to time iſſue commiſſions to ſuch perſon or perſons as ſhall be named and appointed by the ſaid Thomas lord viſcount Dllon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon kt., ſir Nicholas Plunket kt., ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell eſquires, or any ſeven or more of them, for letting, ſetting, and improving the eſtates of all ſuch perſon and perſons, as ſhall adhere to any party oppoſing his majeſty's authority, and not ſubmitting to the peace; and that the profits of ſuch eſtates ſhall be converted by the ſaid lord lieutenant, or other chief governor or governors of this kingdom for the time being, to the maintenance of the king's army and other neceſſary charges, until ſettlement by parliament; and that the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon kt., ſir Nicholas Plunket kt., ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, ſhall have power to applot, raiſe, and levy means, with indifferency and equality, for the buying of arms and ammunition, and for the entertaining of frigates in ſuch proportion as ſhall

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be thought fit by his majeſty's lord lieutenant or other chief governors of this kingdom for the time being, by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon, kt., ſir Nicholas Plunket kt., ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them; the ſaid arms and ammunition to be laid up in ſuch magazines, and under the charge of ſuch perſons as ſhall be agreed on by the ſaid lord lieutenant, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, Alexander Mac-Donnel eſquire, ſir Lucas Dillon kt., ſir Nicholas Plunket kt., ſir Richard Barnwall baronet, Jeffery Browne, Donnogh O Callaghan, Tyrlah O Neile, Miles Reily, and Gerrald Fennell, eſquires, or any ſeven or more of them, and to be diſpoſed of, and the ſaid frigates to be employed for his majeſty's ſervice, and the public uſe and benefit of this kingdom of Ireland; and that the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, ſhall have power to applot, raiſe, and levy means, with indifferency and equality, by way of exciſe or otherwiſe, in the ſeveral cities, corporate towns, counties, and part of counties, now within the quarters and only upon the eſtates of the ſaid confederate Roman Catholics, all ſuch ſum and ſums of money as ſhall appear to the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, to be really due, for and in the diſcharge of the public engagements of the ſaid confederate Catholics, incurred and grown due before the concluſion of theſe articles; and that the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, ſhall be

authorized to appoint receivers, collectors, and all other officers, for ſuch monies as ſhall be aſſeſſed, taxed, or applotted, in purſuance of the authorities mentioned in this article, and for the arrears of all former applotments, taxes, and other public dues yet unpaid: and that the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, in caſe of refractories or delinquency, may diſtrain and impriſon, and cauſe ſuch delinquents to be diſtrained and impriſoned. And the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, make perfect books of all ſuch monies as ſhall be applotted, raiſed, or levied, out of which books they are to make ſeveral and reſpective abſtracts, to be delivered under their hands, or the hands of any ſeven or more of them, to the ſeveral and reſpective collectors, which ſhall be appointed to levy and receive the ſame. And that a duplicate of the ſaid books, under the hands of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, be delivered unto his majeſty's lord lieutenant, or other chief governor or governors of this kingdom for the time being, whereby a perfect account may be given; and that the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, ſhall have power to call the council and congregation, and the reſpective ſupreme councils, and commiſſioners general, appointed hitherto from time to time, by the ſaid confederate Roman Catholics, to manage their public affairs, and all other perſons accountable, to an account, for all their receipts and diſburſements ſince the beginning of their reſpective employments under the confederate Roman Catholics.

XXVIII. Item, It is concluded, accorded, and agreed, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that for the preſervation of the peace and tranquillity

tranquillity of the kingdom, the ſaid lord lieutenant, and the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, ſhall for the preſent agree upon ſuch perſons, who are to be authorized by commiſſion under the great ſeal, to be commiſſioners of the peace, oyer and terminer, aſſizes and gaoldelivery, in, and throughout the kingdom, to continue during pleaſure, with ſuch power as juſtices of the peace, oyer and terminer, aſſizes and gaoldelivery in former time of peace have uſually had, which is not to extend unto any crime or offence committed before the firſt of May laſt paſt, and to be qualified with power to hear and determine all civil cauſes coming before them, not exceeding ten pounds: provided, that they ſhall not intermeddle with titles of lands; provided likewiſe, the authority of ſuch commiſſioners ſhall not extend to queſtion any perſon or perſons, for any ſhipping, cattle, or goods, heretofore taken by either party from the other, or other injuries done contrary to the articles of ceſſation, concluded by and with the ſaid Roman Catholic party in, or ſince May laſt, but that the ſame ſhall be determined by ſuch indifferent perſons, as the lord lieutenant, by the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them ſhall think fit, to the end that ſpeedy and equal juſtice may be done to all parties grieved; and the ſaid commiſſioners are to make their eſtreats as accuſtomed of peace, and ſhall take the enſuing oath, viz, You ſhall ſwear, that as juſtice of the peace, oyer and terminer, aſſizes and gaoldelivery in the counties of A. B., in all articles of the commiſſion to you directed, you ſhall do equal right to the poor and to the rich, after your cunning and wit and power, and after the laws and cuſtoms of the realm, and in purſuance of theſe articles: and you ſhall not be of counſel of any quarrel hanging before you; and the iſſues, fines, and amerciaments, which ſhall happen to be made, and all forfeitures which ſhall happen before you, you ſhall cauſe to be entered with-

out any concealment or embezzling, and ſend to the court of exchequer, or to ſuch other place as his majeſty's lord lieutenant, or other chief governor or governors of this kingdom ſhall appoint, until there may be acceſs unto the ſaid court of exchequer: you ſhall not lett for gift or other cauſe, but well and truly you ſhall do your office of juſtice of peace, oyer and terminer, aſſizes and gaoldelivery in that behalf; and that you take nothing for your office of juſtice of the peace, oyer and terminer, aſſizes and gaoldelivery to be done, but of the king, and fees accuſtomed; and you ſhall not direct, or cauſe to be directed, any warrant by you, to be made to the parties, but you ſhall direct them to the ſheriffs and bailiffs of the ſaid counties reſpectively, or other the king's officers or miniſters, or other indifferent perſons to do execution thereof. So help your God, &c.

And that as well in the ſaid commiſſion, as in all other commiſſions, and authorities to be iſſued in purſuance of the preſent articles, this clauſe ſhall be inſerted, viz., That all officers, civil and martial, ſhall be required to be aiding and aſſiſting and obedient unto the ſaid commiſſioners, and other perſons, to be authorized as aforeſaid in the execution of their reſpective powers.

XXIX. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that his majeſty's Roman Catholic ſubjects do continue the poſſeſſion of ſuch of his majeſty's cities, garriſons, towns, forts, and caſtles, which are within their now quarters, until ſettlement by parliament, and to be commanded, ruled, and governed in chief, upon occaſion of neceſſity (as to the martial and military affairs) by ſuch as his majeſty, or his chief governor or governors of this kingdom for the time being, ſhall appoint; and the ſaid appointment to be by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them; and his majeſty's chief governor for governors, is to iſſue commiſſions accordingly to ſuch perſons as ſhall be ſo named and appointed as aforeſaid, for the executing

of

of ſuch command, rule, or government, to continue until all the particulars in theſe preſent articles, agreed on to paſs in parliament, ſhall be accordingly paſſed: only in caſe of death or miſbehaviour, ſuch other perſon or perſons to be appointed for the ſaid command, rule, or government, to be named and appointed in the place or places of him or them, who ſhall ſo die or miſbehave themſelves, as the chief governor or governors for the time being, by the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them ſhall think fit, and to be continued until a ſettlement in parliament as aforeſaid.

XXX. Item, It is further concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that all cuſtoms and tenths of prizes belonging to his majeſty, which from the perfection of theſe articles ſhall fall due within this kingdom, ſhall be paid unto his majeſty's receipt, or until recourſe may be had thereunto in the ordinary legal way, unto ſuch perſon or perſons, and in ſuch place or places, and under ſuch controls as the lord lieutenant ſhall appoint to be diſpoſed of, in order to the defence and ſafety of the kingdom, and the defraying of other the neceſſary public charges thereof, for the eaſe of the ſubjects in other their levies, charges, and applotments. And that all and every perſon or perſons, who are at preſent entruſted and employed by the ſaid Roman Catholics, in the entries, receipts, collections, or otherwiſe, concerning the ſaid cuſtoms and tenths of prizes, do continue their reſpective employments in the ſame, until full ſettlement in parliament, accountable to his majeſty's receipts, or until recourſe may be had thereunto; as the ſaid lord lieutenant ſhall appoint as aforeſaid, other than to ſuch, and ſo many of them, as to the chief governor or governors for the time being, by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, ſhall be thought fit to be

altered;

altered; and then, and in ſuch caſe, or in caſe of death, fraud, or miſbehaviour, or other alteration of any ſuch perſon or perſons, then ſuch other perſon or perſons to be employed therein, as ſhall be thought fit by the chief governor or governors for the time being, by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them; and when it ſhall appear, that any perſon or perſons, who ſhall be found faithful to his majeſty, hath right to any of the offices or places about the ſaid cuſtoms, whereunto he or they may not be admitted until ſettlement in parliament as aforeſaid, that a reaſonable compenſation ſhall be afforded to ſuch perſon or perſons for the ſame;

XXXI. Item, As for and concerning his majeſty's rents, payable at Eaſter next, and from thenceforth to grow due, until a ſettlement in parliament, it is concluded, accorded, and agreed upon, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that the ſaid rents be not written for, or levied, until a full ſettlement in parliament; and in due time upon application to be made to the ſaid lord lieutenant, or other chief governor or governors of this kingdom, by the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, for remittal of thoſe rents, the ſaid lord lieutenant, or any other chief governor or governors of this kingdom for the time being, ſhall intimate their deſires, and the reaſon thereof to his majeſty, who, upon conſideration of the preſent condition of this kingdom, will declare his gracious pleaſure therein, as ſhall be juſt, and honourable, and ſatisfactory to the reaſonable deſires of his ſubjects.

XXXII. Item, It is concluded, accorded, and agreed, by and between the ſaid parties, and his majeſty is graciouſly pleaſed, that the commiſſioners of oyer and terminer and gaoldelivery to be named as aforeſaid, ſhall have power to hear and determine all murders, manſlaughters, rapes, ſtealths, burning of houſes and corn

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in rick or ſtack, robberies, burglaries, forcible entries, detainers of poſſeſſions, and other offences committed or done, and to be committed and done ſince the firſt day of May laſt paſt, until the firſt day of the next parliament, theſe preſent articles, or any thing therein contained to the contrary notwithſtanding; provided, that the authority of the ſaid commiſſioners ſhall not extend to queſtion any perſon or perſons, for doing or committing any act whatſoever, before the concluſion of this treaty, by virtue or colour of any warrant or direction from thoſe in public authority among the confederate Roman Catholics, nor unto any act, which ſhall be done after the perfecting and concluding of theſe articles, by virtue or pretence of any authority, which is now by theſe articles agreed on; provided alſo, that the ſaid commiſſion ſhall not continue longer than the firſt day of the next parliament.

XXXIII. Item, It is concluded, accorded by and between the ſaid parties, and his majeſty is further graciouſly pleaſed, that, for the determining ſuch differences, which may ariſe between his majeſty's ſubjects within this kingdom, and the prevention of inconvenience and diſquiet, which through want of due remedy in ſeveral cauſes may happen, there ſhall be judicatures eſtabliſhed in this kingdom, and that the perſons to be authorized in them ſhall have power to do all ſuch things as ſhall be proper and neceſſary for them to do; and the ſaid lord lieutenant, by and with the advice and conſent of the ſaid Thomas lord viſcount Dillon of Coſtologh, lord preſident of Connaght, Donnogh lord viſcount Muſkerry, Francis lord baron of Athunry, &c., or any ſeven or more of them, ſhall name the ſaid perſons ſo to be authorized, and to do all other things incident unto, and neceſſary for the ſettling of the ſaid intended judicatures.

XXXIV. Item, At the inſtance, humble ſuit, and earneſt deſire of the general aſſembly of the confederate Roman Catholics, it is concluded, accorded, and agreed upon, that the Roman Catholic regular clergy of this kingdom, behaving themſelves conformable to theſe articles of peace, ſhall not be moleſted in the poſſeſſions which at preſent they have of, and in the bodies, ſites, and

and precincts of ſuch abbeys and monaſteries belonging to any Roman Catholic within the ſaid kingdom, until ſettlement by parliament; and that the ſaid clergy ſhall not be moleſted in the enjoying ſuch penſions as hitherto ſince the wars they enjoyed for their reſpective livelihoods from the ſaid Roman Catholics: and the ſites and precincts hereby intended, are declared to be the body of the abbey, one garden and orchard to each abbey, if any there be, and what elſe is contained within the walls, meers, or ancient fences or ditch, that doth ſupply the wall thereof, and no more.

XXXV. Item, It is concluded, accorded, and agreed, by and between the ſaid parties, that as to all other demands of the ſaid Roman Catholics, for or concerning all or any the matters propoſed by them, not granted or aſſented unto in and by the aforeſaid articles, the ſaid Roman Catholics be referred to his majeſty's gracious favour and further conceſſions. In witneſs whereof the ſaid lord lieutenant, for and on the behalf of his moſt excellent majeſty, to the one part of theſe articles remaining with the ſaid Roman Catholics, hath put his hand and ſeal: and ſir Richard Blake, knt., in the chair of the general aſſembly of the ſaid Roman Catholics, by order, command, and unanimous conſent of the ſaid Catholics in full aſſembly, to the other part thereof remaining with the ſaid lord lieutenant, hath put to his hand and the public ſeal hitherto uſed by the ſaid Roman Catholics, the 17th of January, 1648, and in the 24th year of the reign of our ſovereign lord Charles, by the grace of God, king of Great Britain, France, and Ireland, &c.

SIR,

I HAVE not thus long forborn to invite you, with hoſe under your command, to a ſubmiſſion to his maeſty's authority in me, and a conjunction with me, in he ways of his ſervice, out of any the leaſt averſion I ad to you, or any of them, or out of any diſeſteem I ad to your power, to advance or impede the ſame; but ut of my fear, whiles thoſe, that have of late uſurped ower over the ſubjects of England, held forth the leaſt olourable ſhadow of moderation in their intentions towards the ſettlement of church or ſtate, and that in ſome olerable way with relation to religion, the intereſt of the ing and crown, the freedom of parliament, the liberties f the ſubject, any addreſſes from me propoſing the withdrawing of that party from thoſe thus profeſſing, from vhom they have received ſome, and expected further upport, would have been but coldly received, and any letermination thereupon deferred, in hope and expectaion of the forementioned ſettlement; or that you yourelf, who certainly have not wanted a foreſight of the ad confuſion now covering the face of England, would ave declared with me, the lord Inchequeen, and the rotеſtant army in Munſter, in prevention thereof; yet ny fear was, it would have been as difficult for you, to ave carried with you the main body of the army under our command (not ſo clear-ſighted as yourſelf) as it vould have been dangerous to you, and thoſe with you vell-inclined, to have attempted it without them; but ow that the maſk of hypocriſy, by which the indeendent army hath enſnared and enſlaved all eſtates and legrees of men, is laid aſide, now that, barefaced, they vidently appear to be the ſubverters of true religion, nd to be the protectors and inviters not only of all falſe nes, but of irreligion and atheiſm, now that they have arbarouſly and inhumanly laid violent, ſacrilegious hands pon, and murdered God's anointed, and our king, not s heretofore ſome parricides have done, to make room or ſome uſurper, but in a way plainly manifeſting their ntentions, to change the monarchy of England into anarchy,

anarchy, unleſs their aim be firſt to conſtitute an elective kingdom; and Cromwell or ſome ſuch John of Leyden being elected, then by the ſame force, by which they have thus far compaſſed their ends, to eſtabliſh a perfect Turkiſh tyranny; now that of the three eſtates of king, lords, and commons, whereof in all ages parliaments have conſiſted, there remains only a ſmall number, and they the dregs and ſcum of the houſe of commons, picked and awed by the army, a wicked remnant, left for no other end, than yet further if it be poſſible to delude the people with the name of a parliament: the king being murdered, the lords and the reſt of the commons being by unheard-of violence at ſeveral times forced from the houſes, and ſome impriſoned. And now that there remains no other liberty in the ſubject but to profeſs blaſphemous opinions, to revile and tread under foot magiſtracy, to murder magiſtrates, and oppreſs and undo all that are not like-minded with them. Now I ſay, that I cannot doubt but that you and all with you under your command will take this opportunity to act and declare againſt ſo monſtrous and unparralleled a rebellion, and that you and they will cheerfully acknowledge, and faithfully ſerve and obey our gracious king Charles II, undoubted heir of his father's crown and virtues; under whoſe right and conduct we may by God's aſſiſtance reſtore proteſtant religion to purity, and therein ſettle it, parliaments to their freedom, good laws to their force, and our fellow-ſubjects to their juſt liberties; wherein how glorious and bleſſed a thing it will be, to be ſo conſiderably inſtrumental, as you may now make yourſelf, I leave to you now to conſider. And though I conceive, there are not any motives relating to ſome particular intereſt to be mentioned after theſe ſo weighty conſiderations, which are ſuch as the world hath not been at any time furniſhed with; yet I hold it my part to aſſure you, that as there is nothing you can reaſonably propoſe for the ſafety, ſatisfaction, or advantage of yourſelf, or of any that ſhall adhere to you in what I deſire, that I ſhall not to the uttermoſt of my power provide for; ſo there is nothing I would, nor ſhall more induſtriouſly avoid, than thoſe neceſſities ariſing from my duty

luty to God and man, that may by your rejecting this offer force me to be a ſad inſtrument of ſhedding Engliſh blood, which in ſuch caſe muſt on both ſides happen. If his overture find place with you, as I earneſtly wiſh it may, let me know with what poſſible ſpeed you can, and if you pleaſe by the bearer in what way you deſire it ſhall be drawn on to a concluſion. For in that, as well as in the ſubſtance, you ſhall find all ready compliance from me, that deſire to be

Your affectionate friend to ſerve you,

Carrick, March 9, 1648. ORMOND.

For Colonel Michael Jones,
Governor of Dublin.

My Lord,

YOUR lordſhip's of the ninth I received the twelfth inſtant, and therein have I your lordſhip's invitation to a conjunction with yourſelf (I ſuppoſe) as lord lieutenant of Ireland, and with others now united with the Iriſh, and with the Iriſh themſelves alſo.

As I underſtand not how your lordſhip ſhould be inveſted with that power pretended, ſo am I very well aſſured, that it is not in the power of any without the parliament of England, to give and aſſure pardon to thoſe bloody rebels, as by the act to that end paſſed may appear more fully. I am alſo well aſſured, that the parliament of England would never aſſent to ſuch a peace (ſuch as is that of your lordſhip's with the rebels) wherein is little or no proviſion made either for the proteſtants or the proteſtant religion. Nor can I underſtand how the proteſtant religion ſhould be ſettled and reſtored to its purity by an army of papiſts, or the proteſtant intereſts maintained by thoſe very enemies, by whom they have been ſpoiled and there ſlaughtered: and very evident it is, that both the proteſtants and proteſtant religion are, in that your lordſhip's treaty, left as in the power of the rebels, to be by them borne down and rooted out at pleaſure.

As

As for that conſideration by your lordſhip offered of the preſent and late proceedings in England, I ſee not how it may be a ſufficient motive to me (or any other in like truſt for the parliament of England in the ſervice of the kingdom) to join with thoſe rebels, upon any the pretences in that your lordſhip's letter mentioned; for therein were there a manifeſt betraying that truſt repoſed in me, in deſerting the ſervice and work committed to me, in joining with thoſe I ſhall oppoſe, and in oppoſing whom I am obliged to ſerve.

Neither conceive I it any part of my work and care, to take notice of any whatſoever proceedings of ſtate, foreign to my charge and truſt here, eſpecially they being found hereunto apparently deſtructive.

Moſt certain it is, and former ages have approved it, that the intermeddling of governors and parties in this kingdom, with ſidings and parties in England, have been the very betraying of this kingdom to the Iriſh, whiles the Britiſh forces here had been thereupon called off, and the place therein laid open, and as it were given up to the common enemy.

It is what your lordſhip might have obſerved in your former treaty with the rebels, that, upon your lordſhip's thereupon withdrawing, and ſending hence into England the moſt conſiderable part of the Engliſh army then commanded by you; thereby was the remaining Britiſh party not long after overpowered, and your quarters by the Iriſh overrun to the gates of Dublin, yourſelf alſo reduced to that low condition, as to be beſieged in this very city (the metropolis and principal citadel of the kingdom) and that by thoſe rebels, who till then could never ſtand before you: and what the end hath been of that party, alſo ſo ſent by your lordſhip into England (although the flower and ſtrength of the Engliſh army here, both officers and ſoldiers) hath been very obſervable.

And how much the dangers are at preſent (more than in former ages) of hazarding the Engliſh intereſt in this kingdom, by ſending any parties hence into any other kingdom upon any pretences whatſoever, is very apparent, as in the generality of the rebellion, now more than

than formerly; ſo conſidering your lordſhip's preſent concluſions with, and conceſſions to the rebels, wherein they are allowed the continual poſſeſſion of all the cities, forts, and places of ſtrength, whereof they ſtood poſſeſſed at the time of their treaty with your lordſhip, and that they are to have a ſtanding force (if I well remember) of 15000 foot and 2500 horſe (all of their own party, officers and ſoldiers) and they (with the whole kingdom) to be regulated by a major part of Iriſh truſtees, choſen by the rebels themſelves, as perſons for their intereſts and ends, to be by them confided in, without whom nothing is to be acted. Therein I cannot but mind your lordſhip of what hath been ſometimes by yourſelf delivered, as your ſenſe in this particular; that the Engliſh intereſt in Ireland muſt be preſerved by the Engliſh, and not by Iriſh; and upon that ground (if I be not deceived) did your lordſhip then capitulate with the parliament of England, from which clear principle I am ſorry to ſee your lordſhip now receding.

As to that by your lordſhip menaced us here, of blood and force, if diſſenting from your lordſhip's ways and deſigns, for my particular I ſhall (my lord) much rather chooſe to ſuffer in ſo doing (for therein ſhall I do what is becoming, and anſwerable to my truſt) than to purchaſe myſelf on the contrary the ignominious brand of perfidy by any allurements of whatſoever advantages offered me.

But very confident I am of the ſame divine power, which hath ſtill followed me in this work, and will ſtill follow me; and in that truſt doubt nothing of thus giving your lordſhip plainly this my reſolution in that particular. So I remain,

Your lordſhip's humble ſervant,

Dublin, March 14, 1648. (Signed) MIC. JONES.

For the lord of Ormond theſe.

BY THE

LORD LIEUTENANT GENERAL OF IRELAND.

ORMOND,

WHEREAS our late ſovereign lord king Charles of happy memory hath been lately by a party of his rebellious ſubjects of England moſt traitorouſly, maliciouſly, and inhumanly put to death and murdered; and foraſmuch as his majeſty that now is, Charles by the grace of God king of England, Scotland, France, and Ireland, is ſon and heir of his ſaid late majeſty, and therefore by the laws of the land, of force, and practiſed in all ages, is to inherit. We therefore, in diſcharge of the duty we owe unto God, our allegiance and loyalty to our ſovereign, holding it fit him ſo to proclaim in and through this his majeſty's kingdom, do by this our preſent proclamation declare and manifeſt to the world, That Charles II, ſon and heir of our ſovereign lord king Charles I, of happy memory, is, by the grace of God, the undoubted king of England, Scotland, France, and Ireland, defender of the faith, &c.

Given at Carrick, Feb. 26, 1648.

GOD SAVE THE KING.

A

NECESSARY REPRESENTATION

OF

The preſent Evils and imminent Dangers to Religion, Laws, and Liberties, ariſing from the late and preſent practices of the ſectarian party in England: together with an Exhortation to duties relating to the covenant, unto all within our charge, and to all the well-affected within this kingdom, by the Preſbytery at Belfaſt, February the 15th, 1649.

WHEN we ſeriouſly conſider the great and many duties, which we owe unto God and his people, over whom he hath made us overſeers, and for whom we muſt give an account; and when we behold the laudable examples of the worthy miniſters of the province of London, and of the commiſſioners of the general aſſembly of the church of Scotland, in their free and faithful teſtimonies againſt the inſolencies of the ſectarian party in England: conſidering alſo the dependency of this kingdom upon the kingdom of England, and remembering how againſt ſtrong oppoſitions we were aſſiſted by the Lord the laſt year in diſcharge of the like duty, and how he puniſhed the contempt of our warning upon the deſpiſers thereof: we find ourſelves as neceſſitated, ſo the more encouraged, to caſt in our mite in the treaſury, leſt our ſilence ſhould involve us in the guilt of unfaithfulneſs, and our people in ſecurity and neglect of duties.

In this diſcharge of the truſt put upon us by God, we would not be looked upon as ſowers of ſedition, or broachers of national and diviſive motions; our record is in Heaven, that nothing is more hateful unto us, nor leſs intended by us, and therefore we ſhall not fear the malicious and wicked aſperſions, which we know Satan

by his inſtruments is ready to caſt, not only upon us, but on all who ſincerely endeavour the advancement of reformation.

What of late have been, and now are, the inſolent and preſumptuous practices of the ſectaries in England, is not unknown to the world: for, Firſt, notwithſtanding their ſpecious pretences for religion and liberties, yet their late and preſent actings, being therewith compared, do clearly evidence, that they love a rough garment to deceive; ſince they have with a high hand deſpiſed the oath, in breaking the covenant, which is ſo ſtrong a foundation to both, whilſt they load it with ſlighting reproaches, calling it a bundle of particular and contrary intereſts, and a ſnare to the people; and likewiſe labour to eſtabliſh by laws an univerſal toleration of all religions, which is an innovation overturning of unity in religion, and ſo directly repugnant to the word of God, the two firſt articles of our ſolemn covenant, which is the greateſt wickedneſs in them to violate, ſince many of the chiefeſt of themſelves have, with their hands teſtified to the moſt high God, ſworn and ſealed it.

Moreover, their great diſaffection to the ſettlement of religion, and ſo their future breach of covenant, doth more fully appear by their ſtrong oppoſitions to Preſbyterian government (the hedge and bulwark of religion) whilſt they expreſs their hatred to it more than to the worſt of errours, by excluding it under the name of compulſion; when they embrace even Paganiſm and Judaiſm in the arms of toleration. Not to ſpeak of their aſperſions upon it, and the aſſertors thereof as antichriſtian and popiſh, though they have deeply ſworn, to maintain the ſame government in the firſt article of the covenant, as it is eſtabliſhed in the church of Scotland, which they now ſo deſpitefully blaſpheme.

Again, it is more than manifeſt, that they ſeek not the vindication, but the extirpation of laws and liberties, as appears by their ſeizing on the perſon of the king, and at their pleaſures removing him from place to place, not only without the conſent, but (if we miſtake not) againſt a direct ordinance of parliament: their violent ſurpriſing, impriſoning, and ſecluding many of the moſt worthy

members of the honourable houſe of commons, directly againſt a declared privilege of parliament (an action certainly without parallel in any age) and their purpoſes of aboliſhing parliamentary power for the future, and eſtabliſhing of a repreſentative (as they call it) inſtead thereof. Neither hath their fury ſtaid here, but without all rule or example, being but private men, they have proceeded to the trial of the king, againſt both intereſt and proteſtation of the kingdom of Scotland, and the former public declarations of both kingdoms (beſides the violent haſte, rejecting the hearing of any defences) with cruel hands have put him to death; an act ſo horrible, as no hiſtory divine or human, hath laid a precedent of the like.

Theſe and many other their deteſtable inſolencies may abundantly convince every unbiaſſed judgment, that the preſent practice of the ſectaries and their abettors do directly overturn the laws and liberties of the kingdoms, root out lawful and ſupreme magiſtracy, (the juſt privileges whereof we have ſworn to maintain) and introduce a fearful confuſion and lawleſs anarchy.

The ſpirit of God by Solomon tells us, Prov. xxx, 21, That a ſervant to reign, is one of the four things for which the earth is diſquieted, and which it cannot bear: we wonder nothing, that the earth is diſquieted for theſe things; but we wonder greatly, if the earth can bear them. And albeit the Lord ſo permit, that folly be ſet in great dignity, and they which ſit in low place; "that ſervants ride upon horſes, and princes walk as ſervants upon the earth," Eccleſ. x, ver. 6, 7, yet the ſame wiſe man ſaith, Prov. xix, "Delight is not ſeemly for a fool, much leſs for a ſervant to have rule over princes."

When we conſider theſe things, we cannot but declare and manifeſt our utter diſlike and deteſtation of ſuch unwarrantable practices, directly ſubverting our covenant, religion, laws, and liberties. And as watchmen in Sion, warn all the lovers of truth and well-affected to the covenant, carefully to avoid compliance with, or not bearing witneſs againſt horrid inſolencies, leſt partaking with them in their ſins, they alſo be partakers of their plagues. Therefore in the ſpirit of meekneſs, we earneſtly intreat, and in the authority of Jeſus Chriſt (whoſe

ſervants we are) charge and obteſt all, who reſolve to adhere unto truth and the covenant, diligently to obſerve, and conſcientiouſly to perform, theſe following duties.

Firſt, That, according to our ſolemn covenant, every one ſtudy more the power of godlineſs and perſonal reformation of themſelves and families; becauſe, for the great breach of this part of the covenant, God is highly offended with theſe lands, and juſtly provoked to permit men to be the inſtruments of our miſery and afflictions.

Secondly, That every one in their ſtation and calling earneſtly contend for the faith, which was once delivered to the ſaints, Jude iii. And ſeek to have their hearts eſtabliſhed with grace, that they be not unſtable and wavering, carried about with every wind of doctrine; but that they receive the truth in love, avoiding the company of ſuch as withdraw from and vilify the public ordinances; ſpeak evil of church-government; invent damnable errours, under the ſpecious pretence of a goſpel-way and new light; and highly extol the perſons and courſes of notorious ſectaries, leſt God give them over to ſtrong deluſions (the plague of theſe times) that they may believe lies, and be damned.

Thirdly, That they would not be drawn by counſel, command, or example, to ſhake off the ancient and fundamental government of theſe kingdoms by king and parliament, which we are ſo deeply engaged to preſerve by our ſolemn covenant, as they would not be found guilty of the great evil of theſe times (condemned by the Holy Ghoſt) the deſpiſing of dominion and ſpeaking evil of dignities.

Fourthly, That they do cordially endeavour the preſervation of the union amongſt the well-affected in the kingdoms, not being ſwayed by any national reſpect; remembering that part of the covenant; "that we ſhall not ſuffer ourſelves directly nor indirectly, by whatſoever combination, perſuaſion, or terrour, to be divided or withdrawn from this bleſſed union and conjunction."

And Finally, Albeit there be more preſent hazard from the power of ſectaries (as were from malignants the laſt year) yet we are not ignorant of the evil purpoſes of malignants, even at this time, in all the kingdoms, and particularly

particularly in this; and for this cauſe, we exhort every one with equal watchfulneſs to keep themſelves free from aſſociating with ſuch, or from ſwerving in their judgments to malignant principles; and to avoid all ſuch perſons as have been from the beginning known oppoſers of reformation, refuſers of the covenant, combining themſelves with papiſts and other notorious malignants, eſpecially ſuch who have been chief promoters of the late engagement againſt England, calumniators of the work of reformation, in reputing the miſeries of the preſent times unto the advancers thereof; and that their juſt hatred to ſectaries incline not their minds to favour malignants, or to think, that, becauſe of the power of ſectaries, the cauſe of God needs the more to fear the enmity, or to ſtand in need of the help of malignants.

OBSERVATIONS

UPON

The ARTICLES of PEACE with the Iriſh Rebels, on the Letter of Ormond to Colonel Jones, and the Repreſentation of the Preſbytery at Belfaſt.

ALTHOUGH it be a maxim much agreeable to wiſdom, that juſt deeds are the beſt anſwer to injurious words; and actions of whatever ſort, their own plaineſt interpreters; yet ſince our enemies can find the leiſure both ways to offend us, it will be requiſite, we ſhould be found in neither of thoſe ways neglectful of our juſt defence: to let them know, that ſincere and upright intentions can certainly with as much eaſe deliver themſelves into words as into deeds.

Having therefore ſeen of late thoſe articles of peace granted to the papiſt rebels of Ireland, as ſpecial graces and favours from the late king, in reward, moſt likely, of their work done, and in his name and authority confirmed and ratified by James earl of Ormond; together with his letter to colonel Jones, governor of Dublin, full of contumely and diſhonour, both to the parliament and army: and on the other ſide, an inſolent and ſeditious repreſentation from the Scots preſbytery at Belfaſt in the North of Ireland, no leſs diſhonourable to the ſtate, and much about the ſame time brought hither: there will be needful as to the ſame ſlanderous aſperſions but one and the ſame vindication againſt them both. Nor can we ſever them in our notice and reſentment, though one part entitled a preſbytery, and would be thought a proteſtant aſſembly, ſince their own unexampled virulence hath wrapt them into the ſame guilt, made them accomplices and aſſiſtants to the abhorred Iriſh rebels, and with them at preſent to advance the ſame intereſt: if we conſider

ſider both their calumnies, their hatred, and the pretended reaſons of their hatred to be the ſame; the time alſo and the place concurring, as that there lacks nothing but a few formal words, which may be eaſily diſſembled, to make the perfecteſt conjunction; and between them to divide that iſland.

As for theſe articles of peace made with thoſe inhuman rebels and papiſts of Ireland by the late king, as one of his laſt maſterpieces, we may be confidently perſuaded, that no trueborn Engliſhman can ſo much as barely read them without indignation and diſdain, that thoſe bloody rebels, and ſo proclaimed and judged of by the king himſelf, after the mercileſs and barbarous maſſacre of ſo many thouſand Engliſh (who had uſed their right and title to that country with ſuch tenderneſs and moderation, and might otherwiſe have ſecured themſelves with eaſe againſt their treachery) ſhould be now graced and rewarded with ſuch freedoms and enlargements, as none of their anceſtors could ever merit by their beſt obedience, which at beſt was always treacherous; to be enfranchiſed with full liberty equal to their conquerors, whom the juſt revenge of ancient piracies, cruel captivities, and the cauſeleſs infeſtation of our coaſt, had warrantably called over, and the long preſcription of many hundred years; beſides what other titles are acknowledged by their own Iriſh parliament, had fixed and ſeated in that ſoil with as good a right as the mereſt natives.

Theſe, therefore, by their own foregoing demerits and provocations juſtly made our vaſſals, are by the firſt article of this peace advanced to a condition of freedom ſuperior to what any Engliſh proteſtants durſt have demanded. For what elſe can be the meaning to diſcharge them the common oath of ſupremacy, eſpecially being papiſts (for whom principally that oath was intended) but either to reſign them the more into their own power, or to ſet a mark of diſhonour upon the Britiſh loyalty; by truſting Iriſh rebels for one ſingle oath of allegiance, as much as all his ſubjects of Britain for the double ſwearing both of allegiance and ſupremacy?

The ſecond article puts it into the hands of an Iriſh parliament to repeal, or to ſuſpend, if they think convenient,

nient, the act uſually called Poyning's Act, which was the main, and yet the civileſt and moſt moderate acknowledgment impoſed of their dependance on the crown of England; whereby no parliament could be ſummoned there, no bill be paſſed, but what was firſt to be tranſmitted and allowed under the great ſeal of England. The recalling of which act tends openly to inveſt them with a lawgiving power of their own, enables them by degrees to throw off all ſubjection to this realm, and renders them (who by their endleſs treaſons and revolts have deſerved to hold no parliament at all, but to be governed by edicts and garriſons) as abſolute and ſupreme in that aſſembly, as the people of England in their own land. And the twelfth article grants them in expreſs words, that the Iriſh parliament ſhall be no more dependent on the parliament of England, than the Iriſh themſelves ſhall declare agreeable to the laws of Ireland.

The two and twentieth article, more ridiculous than dangerous, coming eſpecially from ſuch a ſerious knot of lords and politicians, obtains, that thoſe acts prohibiting to plow with horſes by the tail, and burn oats in the ſtraw, be repealed; enough, if nothing elſe, to declare in them a diſpoſition not only ſottiſh, but indocible, and averſe from all civility and amendment: and what hopes they give for the future, who, rejecting the ingenuity of all other nations to improve and wax more civil by a civilizing conqueſt, though all theſe many years better ſhown and taught, prefer their own abſurd and ſavage cuſtoms before the moſt convincing evidence of reaſon and demonſtration: a teſtimony of their true barbariſm and obdurate wilfulneſs, to be expected no leſs in other matters of greateſt moment.

Yet ſuch as theſe, and thus affected, the ninth article entruſts with the militia; a truſt which the king ſwore by God at Newmarket he would not commit to his parliament of England, no not for an hour. And well declares the confidence he had in Iriſh rebels, more than in his loyaleſt ſubjects. He grants them moreover, till the performance of all theſe articles, that fifteen thouſand foot and two thouſand five hundred horſe ſhall remain a ſtanding army of papiſts at the beck and command of

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Dillon, Muſkerry, and other archrebels, with power alſo of adding to that number as they ſhall ſee cauſe. And by other articles allows them the conſtituting of magiſtrates and judges in all cauſes, whom they think fit: and till a ſettlement to their own minds, the poſſeſſion of all thoſe towns and countries within their new quarters, being little leſs than all the iſland, beſides what their cruelty hath diſpeopled and laid waſte. And laſtly, the whole managing both of peace and war is committed to papiſts, and the chief leaders of that rebellion.

Now let all men judge what this wants of utter alienating and acquitting the whole province of Ireland from all true fealty and obedience to the commonwealth of England. Which act of any king againſt the conſent of his parliament, though no other crime were laid againſt him, might of itſelf ſtrongly conduce to the diſenthroning him of all. In France, Henry the Third, demanding leave in greateſt exigencies to make ſale of ſome crownlands only, and that to his ſubjects, was anſwered by the parliament then at Blois, that a king in no caſe, though of extremeſt neceſſity, might alienate the patrimony of his crown, whereof he is but only uſufructuary, as civilians term it, the propriety remaining ever to the kingdom, not to the king. And in our own nation, king John, for reſigning though unwillingly his crown to the pope's legate, with little more hazard to his kingdom than the payment of one thouſand marks, and the unſightlineſs of ſuch a ceremony, was depoſed by his barons, and Lewis, the French king's ſon, elected in his room. And to have carried only the jewels, plate, and treaſure into Ireland, without conſent of the nobility, was one of thoſe impeachments, that condemned Richard the Second to loſe his crown.

But how petty a crime this will ſeem to the alienating of a whole kingdom, which in theſe articles of peace we ſee as good as done by the late king, not to friends but to mortal enemies, to the accompliſhment of his own intereſts and ends, wholly ſeparate from the people's good, may without aggravation be eaſily conceived. Nay, by the covenant itſelf, ſince that ſo cavillouſly is urged againſt

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us, we are enjoined in the fourth article, with all faithfulneſs to endeavour the bringing all ſuch to public trial and condign puniſhment, as ſhall divide one kingdom from another. And what greater dividing than by a pernicious and hoſtile peace, to diſalliege a whole feudary kingdom from the ancient dominion of England? Exception we find there of no perſon whatſoever; and if the king, who hath actually done this, or any for him claim a privilege above juſtice, it is again demanded by what expreſs law either of God or man, and why he whoſe office is to execute law and juſtice upon all others, ſhould ſet himſelf like a demigod in lawleſs and unbounded anarchy; refuſing to be accountable for that authority over men naturally his equals, which God himſelf without a reaſon given is not wont to exerciſe over his creatures? And if God, the nearer to be acquainted with mankind and his frailties, and to become our prieſt, made himſelf a man, and ſubject to the law, we gladly would be inſtructed, why any mortal man, for the good and welfare of his brethren being made a king, ſhould by a clean contrary motion make himſelf a god, exalted above law; the readieſt way to become utterly unſenſible, both of his human condition, and his own duty.

And how ſecurely, how ſmoothly, with how little touch or ſenſe of any commiſeration, either princely or ſo much as human, he hath ſold away that juſtice ſo oft demanded, and ſo oft by himſelf acknowledged to be due for the blood of more than two hundred thouſand of his ſubjects, that never hurt him, never diſobeyed him, aſſaſſinated and cut in pieces by thoſe Iriſh barbarians, to give the firſt promoting, as is more than thought, to his own tyrannical deſigns in England, will appear by the eighteenth article of his peace; wherein, without the leaſt regard of juſtice to avenge the dead, while he thirſts to be avenged upon the living, to all the murders, maſſacres, treaſons, piracies, from the very fatal day wherein that rebellion firſt broke out, he grants an act of oblivion. If this can be juſtified, or not puniſhed in whomſoever, while there is any faith, any religion, any juſtice upon earth, there can no reaſon be alleged, why all things are

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not left to confuſion. And thus much be obſerved in brief concerning theſe articles of peace made by the late king with his Iriſh rebels.

The letter of Ormond ſent to colonel Jones, governor of Dublin, attempting his fidelity, which the diſcretion and true worth of that gentleman hath ſo well anſwered and repulſed, had paſſed here without mention, but that the other part of it, not content to do the errand of treaſon, roves into a long digreſſion of evil and reproachful language to the parliament and army of England, which though not worth their notice, as from a crew of rebels whoſe inhumanities are long ſince become the horrour and execration of all that hear them, yet in the purſuance of a good endeavour, to give the world all due ſatisfaction of the preſent doings, no opportunity ſhall be omitted.

He accuſes firſt, "That we are the ſubverters of religion, the protectors and inviters not only of all falſe ones, but of irreligion and atheiſm." An accuſation that no man living could more unjuſtly uſe than our accuſer himſelf; and which, without a ſtrange beſottedneſs, he could not expect but to be retorted upon his own head. All men, who are true proteſtants, of which number he gives out to be one, know not a more immediate and killing ſubverter of all true religion than Antichriſt, whom they generally believe to be the pope and church of Rome; he therefore, who makes peace with this grand enemy and perſecutor of the true church, he who joins with him, ſtrengthens him, gives him root to grow up and ſpread his poiſon, removing all oppoſition againſt him, granting him ſchools, abbeys, and revenues, garriſons, towns, fortreſſes, as in ſo many of thoſe articles may be ſeen, he of all proteſtants may be called moſt juſtly the ſubverter of true religion, the protector and inviter of irreligion and atheiſm, whether it be Ormond or his maſter. And if it can be no way proved, that the parliament hath countenanced popery or papiſts, but have every where broken their temporal power, thrown down their public ſuperſtitions, and confined them to the bare enjoyment of that which is not in our reach, their conſciences; if they have encouraged all true miniſters of the goſpel,

goſpel, that is to ſay, afforded them favour and protection in all places where they preached, and although they think not money or ſtipend to be the beſt encouragement of a true paſtor; yet therein alſo have not been wanting nor intend to be, they doubt not then to affirm themſelves, not the ſubverters, but the maintainers and defenders of true religion; which of itſelf and by conſequence is the ſureſt and the ſtrongeſt ſubverſion, not only of all falſe ones, but of irreligion and atheiſm. For "the weapons of that warfare," as the apoſtle teſtifies, who beſt knew, "are not carnal, but mighty through God to the pulling down of ſtrong holds, and all reaſonings, and every high thing exalted againſt the knowledge of God, ſurpriſing every thought unto the obedience of Chriſt, and eaſily revenging all diſobedience," 2 Cor. x. What miniſter or clergyman, that either underſtood his high calling, or ſought not to erect a ſecular and carnal tyranny over ſpiritual things, would neglect this ample and ſublime power conferred upon him, and come a begging to the weak hand of magiſtracy for that kind of aid, which the magiſtrate hath no commiſſion to afford him, and in the way he ſeeks it hath been always found helpleſs and unprofitable. Neither is it unknown, or by wiſeſt men unobſerved, that the church began then moſt apparently to degenerate, and go to ruin, when ſhe borrowed of the civil power more than fair encouragement and protection; more than which Chriſt himſelf and his apoſtles never required. To ſay therefore, that we protect and invite all falſe religions, with irreligion alſo and atheiſm, becauſe we lend not, or rather miſapply not the temporal power to help out, though in vain, the ſloth, the ſpleen, the inſufficiency of churchmen, in the execution of ſpiritual diſcipline over thoſe within their charge, or thoſe without, is an imputation, that may be laid as well upon the beſt regulated ſtates and governments through the world: who have been ſo prudent as never to employ the civil ſword further than the edge of it could reach, that is, to civil offences only; proving always againſt objects that were ſpiritual a ridiculous weapon. Our protection therefore to men in civil matters unoffenſive we cannot deny; their conſciences we leave, as not within

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our cognizance, to the proper cure of inſtruction, praying for them. Nevertheleſs, if any be found among us declared atheiſts, malicious enemies of God, and of Chriſt; the parliament, I think, profeſſes not to tolerate ſuch, but with all befitting endeavours to ſuppreſs them. Otherways to protect none that in a larger ſenſe may be taxed of irreligion and atheiſm, may perhaps be the ready way to exclude none ſooner out of protection, than thoſe themſelves that moſt accuſe it to be ſo general to others. Laſtly, that we invite ſuch as theſe, or encourage them, is a mere ſlander without proof.

He tells us next, that they have murdered the king. And they deny not to have juſtly and undauntedly, as became the parliament of England, for more bloodſhed and other heinous crimes than ever king of this land was guilty of, after open trial, puniſhed him with death. A matter, which to men, whoſe ſerious conſideration thereof hath left no certain precept or example undebated, is ſo far from giving offence, that we implore and beſeech the divine majeſty ſo to uphold and ſupport their ſpirits with like fortitude and magnanimity, that all their enſuing actions may correſpond and prove worthy that impartial and noble piece of juſtice, wherein the hand of God appeared ſo evidently on our ſide. We ſhall not then need to fear, what all the rout and faction of men baſely principled can do againſt us.

The end of our proceedings, which he takes upon him to have diſcovered, "the changing forſooth of monarchy into anarchy," ſounds ſo like the ſmattering of ſome raw politician, and the overworn objection of every trivial talker, that we leave him in the number. But ſeeing in that which follows he contains not himſelf, but, contrary to what a gentleman ſhould know of civility, proceeds to the contemptuous naming of a perſon, whoſe valour and high merit many enemies more noble than himſelf have both honoured and feared; to aſſert his good name and reputation, of whoſe ſervice the commonwealth receives ſo ample ſatisfaction, it is anſwered in his behalf, that Cromwell, whom he couples with a name of ſcorn, hath done in few years more eminent and remarkable deeds, whereon to found nobility in his houſe, though it were wanting,

wanting, and perpetual renown to poſterity, than Ormond and all his anceſtors put together can ſhow from any record of their Iriſh exploits, the wideſt ſcene of their glory.

He paſſes on his groundleſs conjectures, that the aim of this parliament may be perhaps to ſet up firſt an elective kingdom, and after that a perfect Turkiſh tyranny. Of the former we ſuppoſe the late act againſt monarchy will ſuffice to acquit them. Of the latter certainly there needed no other pattern than that tyranny, which was ſo long modelling by the late king himſelf, with Strafford, and that archprelate of Canterbury, his chief inſtruments; whoſe deſigns God hath diſſipated. Neither is it any new project of the monarchs, and their courtiers in theſe days, though chriſtians they would be thought, to endeavour the introducing of a plain Turkiſh tyranny. Witneſs that conſultation had in the court of France under Charles the IXth at Blois, wherein Poncet, a certain court-projector, brought in ſecretly by the chancellor Biragha, after many praiſes of the Ottoman government, propoſes means and ways at large, in preſence of the king, the queen regent, and Anjou the king's brother, how with beſt expedition and leaſt noiſe the Turkiſh tyranny might be ſet up in France. It appears therefore, that the deſign of bringing in that tyranny, is a monarchical deſign, and not of thoſe who have diſſolved monarchy.

As for parliaments by three eſtates, we know, that a parliament ſignifies no more than the ſupreme and general council of a nation, conſiſting of whomſoever choſen and aſſembled for the public good; which was ever practiſed, and in all ſorts of government, before the word parliament, or the formality, or the poſſibility of thoſe three eſtates, or ſuch a thing as a titular monarchy, had either name or being in the world. The original of all which we could produce to be far newer than thoſe "all ages" which he vaunts of, and by ſuch firſt invented and contrived, whoſe authority, though it were Charles Martel, ſtands not ſo high in our repute, either for himſelf, or the age he lived in, but that with as good warrant we may recede from what he ordained, as he ordain what before was not.

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But whereas beſides he is bold to allege, that of the three eſtates there remains only a ſmall number, and they the "dregs and ſcum of the houſe of commons;" this reproach, and in the mouth of an Iriſhman, concerns not them only; but redounds to apparent diſhonour of the whole Engliſh nation. Doubtleſs there muſt be thought a great ſcarcity in England of perſons honourable and deſerving, or elſe of judgment, or ſo much as honeſty in the people, if thoſe, whom they eſteem worthy to ſit in parliament, be no better than ſcum and dregs in the Iriſh dialect. But of ſuch like ſtuff we meet not any where with more excreſcence than in his own laviſh pen; which feeling itſelf looſe without the reins of diſcretion, rambles for the moſt part beyond all ſoberneſs and civility. In which torrent he goes on negociating and cheapening the loyalty of our faithful governor of Dublin, as if the known and tried conſtancy of that valiant gentleman were to be bought with court fumes.

He lays before him, that "there remains now no other liberty in the ſubject, but to profeſs blaſphemous opinions, to revile and tread under foot magiſtracy, to murder magiſtrates, to oppreſs and undo all that are not like-minded with us." Forgetting in the mean while himſelf to be in the head of a mixed rabble, part papiſts, part fugitives, and part ſavages, guilty in the higheſt degree of all theſe crimes. What more blaſphemous, not opinion, but whole religion, than popery, plunged into idolatrous and ceremonial ſuperſtition, the very death of all true religion; figured to us by the ſcripture itſelf in the ſhape of that beaſt, full of the names of blaſphemy, which we mention to him as to one that would be counted proteſtant, and had his breeding in the houſe of a biſhop? And who are thoſe that have trod under foot magiſtracy, murdered magiſtrates, oppreſſed and undone all that ſided not with them, but the Iriſh rebels, in that horrible conſpiracy, for which Ormond himſelf hath either been or ſeemed to be their enemy, though now their ringleader? And let him aſk the jeſuits about him, whether it be not their known doctrine and alſo practice, not by fair and due proceſs of juſtice to puniſh kings and magiſtrates, which we diſavow not, but to murder them

in the baſeſt and moſt aſſaſſinous manner, if their church intereſt ſo require. There will not need more words to this windy railer, convicted openly of all thoſe crimes, which he ſo confidently, and yet falſely charges upon others.

We have now to deal, though in the ſame country, with another ſort of adverſaries, in ſhow far different, in ſubſtance muchwhat the ſame. Theſe write themſelves the preſbytery of Belfaſt, a place better known by the name of a late barony, than by the fame of theſe men's doctrine or eccleſiaſtical deeds: whoſe obſcurity till now never came to our hearing. And ſurely we ſhould think this their repreſentment far beneath conſiderable, who have neglected and paſſed over the like unadviſedneſs of their fellows in other places more near us, were it not to obſerve in ſome particulars the ſympathy, good intelligence, and joint pace which they go in the north of Ireland, with their copartning rebels in the ſouth, driving on the ſame intereſt to loſe us that kingdom, that they may gain it themſelves, or at leaſt ſhare in the ſpoil: though the other be open enemies, theſe pretended brethren.

The introduction of their manifeſto out of doubt muſt be zealous; "Their duty," they ſay, "to God and his people, over whom he hath made them overſeers, and for whom they muſt give account." What mean theſe men? Is the preſbytery of Belfaſt, a ſmall town in Ulſter, of ſo large extent, that their voices cannot ſerve to teach duties in the congregation which they overſee, without ſpreading and divulging to all parts, far beyond the dioceſs of Patrick or Columba, their written repreſentation, under the ſubtle pretence of feeding their own flock? Or do they think to overſee, or undertake to give an account for all to whom their paper ſends greeting? St. Paul to the elders of Epheſus thinks it ſufficient to give charge, "That they take heed to themſelves, and to the flock over which they were made overſeers," beyond thoſe bounds he enlarges not their commiſſion. And ſurely when we put down biſhops and put up preſbyters, which the moſt of them have made uſe of to enrich and exalt themſelves, and turn the firſt heel againſt their benefac-

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tors, we did not think, that one claſſic fraternity, ſo obſcure and ſo remote, ſhould involve us and all ſtate-affairs within the cenſure and juriſdiction of Belfaſt, upon pretence of overſeeing their own charge.

We very well know, that church-cenſures are limited to church-matters, and theſe within the compaſs of their own province, or to ſay more truly of their own congregation: that affairs of ſtate are not for their meddling, as we could urge even from their own invectives and proteſtations againſt the biſhops, wherein they tell them with much fervency, that miniſters of the goſpel, neither by that function, nor any other which they ought accept, have the leaſt warrant to be pragmatical in the ſtate.

And ſurely in vain were biſhops for theſe and other cauſes forbid to ſit and vote in the houſe, if theſe men out of the houſe, and without vote, ſhall claim and be permitted more licenſe on their preſbyterial ſtools, to breed continual diſturbance by interpoſing in the commonwealth. But ſeeing that now, ſince their heaving out the prelates to heave in themſelves, they deviſe new ways to bring both ends together, which will never meet; that is to ſay, their former doctrine with their preſent doings, as "that they cannot elſe teach magiſtrates and ſubjects their duty, and that they have beſides a right themſelves to ſpeak as members of the commonwealth:" let them know, that there is a wide difference between the general exhortation to juſtice and obedience, which in this point is the utmoſt of their duty, and the ſtate-diſputes wherein they are now grown ſuch buſybodies, to preach of titles, intereſts, and alterations in government: more than our Saviour himſelf, or any of his apoſtles ever took upon them, though the title both of Cæſar and of Herod, and what they did in matters of ſtate, might have then admitted controverſy enough.

Next, for their civil capacities, we are ſure, that pulpits and church-aſſemblies, whether claſſical or provincial, never were intended or allowed by wiſe magiſtrates, no nor by him that ſent them, to advance ſuch purpoſes, but that as members of the commonwealth they ought to mix with other commoners, and in that temporal body o aſſume nothing above other private perſons, or other-

wiſe than in a uſual and legal manner: not by diſtinct remonſtrances and repreſentments, as if they were a tribe and party by themſelves, which is the next immediate way to make the church liſt a horn againſt the ſtate, and claim an abſolute and undepending juriſdiction, as from like advantage and occaſion (to the trouble of all Chriſtendom) the pope hath for many ages done; and not only our biſhops were climbing after him, but our preſbyters alſo, as by late experiment we find. Of this repreſentation therefore we can eſteem and judge no other than of a ſlanderous and ſeditious libel, ſent abroad by a ſort of incendiaries, to delude and make the better way under the cunning and plauſible name of a preſbytery.

A ſecond reaſon of their repreſenting is, "that they conſider the dependance of that kingdom upon England," which is another ſhameleſs untruth that ever they conſidered; as their own actions will declare, by conniving, and in their ſilence partaking with thoſe in Ulſter, whoſe obedience, by what we have yet heard, ſtands dubious, and with an eye of conformity rather to the north, than to that part where they owe their ſubjection; and this in all likelihood by the inducement and inſtigation of theſe repreſenters: who are ſo far from conſidering their dependance on England, as to preſume at every word to term proceedings of parliament, "the inſolencies of a ſectarian party, and of private men." Deſpiſing dominion, and ſpeaking evil of dignities, which hypocritically they would ſeem to diſſuade others from; and not fearing the due correction of their ſuperiors, that may in fit ſeaſon overtake them. Whenas the leaſt conſideration of their dependance on England, would have kept them better in their duty.

The third reaſon which they uſe makes againſt them; the remembrance how God puniſhed the contempt of their warning laſt year upon the breakers of covenant, whenas the next year after they forget the warning of that puniſhment hanging over their own heads for the very ſame tranſgreſſion, their manifeſt breach of covenant [illegible] repreſentation, accompanied with the [illegible] province which repreſents it.

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reaſons; two of them notorious falſities, and the third againſt themſelves; and two examples, "the province of London, and the commiſſioners of the kirk-aſſembly." But certain, if canonical examples bind not, much leſs do apocryphal.

Proceeding to avouch the truſt put upon them by God, which is plainly proved to be none of this nature, "they would not be looked upon as ſowers of ſedition, or authors of diviſive motions; their record," they ſay, "is in Heaven," and their truth and honeſty no man knows where. For is not this a ſhameleſs hypocriſy, and of mere wolves in ſheep's clothing, to ſow ſedition in the ears of all men, and to face us down to the very act, that they are authors of no ſuch matter? But let the ſequel both of their paper, and the obedience of the place wherein they are, determine.

Nay, while we are yet writing theſe things, and foretelling all men the rebellion, which was even then deſigned in the cloſe purpoſe of theſe unhallowed prieſtlings, at the very time when with their lips they diſclaimed all ſowing of ſedition, news is brought, and too true, that the Scottiſh inhabitants of that province are actually revolted, and have not only beſieged in Londonderry thoſe forces, which were to have fought againſt Ormond and the Iriſh rebels; but have in a manner declared with them, and begun open war againſt the parliament; and all this by the incitement and illuſions of that unchriſtian ſynagogue at Belfaſt, who yet dare charge the parliament, "that, notwithſtanding ſpecious pretences, yet their actings do evidence, that they love a rough garment to deceive." The deceit we own not, but the compariſon, by what at firſt ſight may ſeem alluded, we accept: for that hairy roughneſs aſſumed won Jacob the birthright both temporal and eternal; and God we truſt hath ſo diſpoſed the mouth of theſe Balaams, that, coming to curſe, they have ſtumbled into a kind of bleſſing, and compared our actings to the faithful act of that patriarch.

But if they mean, as more probably their meaning was, that "rough garment" ſpoken of Zach. xiii, 4, we may then behold the pitiful ſtore of learning and theology, which theſe deceivers have thought ſufficient to uphold

their credit with the people, who, though the rancour that leavens them have ſomewhat quickened the common drawling of their pulpit elocution, yet for want of ſtock enough in ſcripture-phraſe to ſerve the neceſſary uſes of their malice, they are become ſo liberal, as to part freely with their own budge-gowns from off their backs, and beſtow them on the magiſtrate as a rough garment to deceive; rather than not be furniſhed with a reproach, though never ſo improper, never ſo obvious to be turned upon themſelves. For but with half an eye caſt upon that text, any man will ſoon diſcern that rough garment to be their own coat, their own livery, the very badge and cognizance of ſuch falſe prophets as themſelves, Who, when they underſtand, or ever ſeriouſly mind the beginning of that 4th verſe, may "be aſhamed every one of his lying viſion," and may juſtly fear that foregoing denouncement to ſuch "as ſpeak lies in the name of the Lord," verſ. 3, lurking under the rough garment of outward rigour and formality, whereby they cheat the ſimple. So that "this rough garment to deceive" we bring ye once again, grave ſirs, into your own veſtry; or with Zachary ſhall not think much to fit it to your own ſhoulders. To beſtow aught in good earneſt on the magiſtrate, we know your claſſic prieſtſhip is too gripple, for ye are always begging: and for this rough gown to deceive, we are confident ye cannot ſpare it; it is your Sunday's gown, your every day gown, your only gown, the gown of your faculty; your divining gown; to take it from ye were ſacrilege. Wear it therefore, and poſſeſs it yourſelves, moſt grave and reverend Carmelites, that all men both young and old, as we hope they will ſhortly, may yet better know ye, and diſtinguiſh ye by it; and give to your rough gown, wherever they meet it, whether in pulpit, claſſis, or provincial ſynod, the precedency and the preeminence of deceiving.

They charge us next, that we have broken the covenant, and loaden it with ſlighting reproaches. For the reproaching, let them anſwer that are guilty, whereof the ſtate we are ſure cannot be accuſed. For the breaking, let us hear wherein. "In labouring," ſay they, "to eſtabliſh by law a univerſal toleration of all religions."

gions." This touches not the ſtate; for certainly were they ſo minded, they need not labour it, but do it, having power in their hands; and we know of no act as yet paſſed to that purpoſe. But ſuppoſe it done, wherein is the covenant broke? The covenant enjoins us to endeavour the extirpation firſt of popery and prelacy, then of hereſy, ſchiſm, and profaneneſs, and whatſoever ſhall be found contrary to ſound doctrine and the power of godlineſs. And this we ceaſe not to do by all effectual and proper means: but theſe divines might know, that to extirpate all theſe things can be no work of the civil ſword, but of the ſpiritual, which is the word of God.

No man well in his wits, endeavouring to root up weeds out of his ground, inſtead of uſing the ſpade will take a mallet or a beetle. Nor doth the covenant any way engage us to extirpate, or to proſecute the men, but the hereſies and errours in them, which we tell theſe divines, and the reſt that underſtand not, belongs chiefly to their own function, in the diligent preaching and inſiſting upon ſound doctrine, in the confuting, not the railing down errours, encountering both in public and private conference, and by the power of truth not of perſecution, ſubduing thoſe authors of heretical opinions, and laſtly in the ſpiritual execution of church-diſcipline within their own congregations. In all theſe ways we ſhall aſſiſt them, favour them, and as far as appertains to us join with them, and moreover not tolerate the free exerciſe of any religion, which ſhall be found abſolutely contrary to ſound doctrine or the power of godlineſs; for the conſcience, we muſt have patience till it be within our verge. And thus doing, we ſhall believe to have kept exactly all that is required from us by the covenant. Whilſt they by their ſeditious practices againſt us, than which nothing for the preſent can add more aſſiſtance or advantage to thoſe bloody rebels and papiſts in the ſouth, will be found moſt pernicious covenant-breakers themſelves, and as deep in that guilt, as thoſe of their own nation the laſt year; the warning of whoſe ill ſucceſs, like men hardened for the ſame judgment, they miſerably pervert to an encouragement in the ſame offence, if not a far worſe: for now they have joined intereſt with the

Iriſh rebels, who have ever fought againſt the covenant, whereas their countrymen the year before made the covenant their plea. But as it is a peculiar mercy of God to his people, while they remain his, to preſerve them from wicked confederations: ſo it is a mark and puniſhment of hypocrites, to be driven at length to mix their cauſe, and the intereſt of their covenant, with God's enemies.

And whereas they affirm, that the tolerating of all religions, in the manner that we tolerate them, is an innovation; we muſt acquaint them, that we are able to make it good, if need be, both by Scripture and the primitive fathers, and the frequent aſſertion of whole churches and proteſtant ſtates in their remonſtrances and expoſtulations againſt the popiſh tyranny over ſouls. And what force of argument do theſe doctors bring to the contrary? But we have long obſerved to what paſs the bold ignorance and ſloth of our clergy tends no leſs now than in the biſhops days, to make their bare ſayings and cenſures authentic with the people, though deſtitute of any proof or argument. But thanks be to God, they are diſcerned.

Their next impeachment is, "that we oppoſe the preſbyterial government, the hedge and bulwark of religion." Which all the land knows to be a moſt impudent falſehood, having eſtabliſhed it with all freedom, wherever it hath been deſired. Nevertheleſs, as we perceive it aſpiring to be a compulſive power upon all without exception in parochial, claſſical, and provincial hierarchies, or to require the fleſhly arm of magiſtracy in the execution of a ſpiritual diſcipline, to puniſh and amerce by any corporal infliction thoſe whoſe conſciences cannot be edified by what authority they are compelled, we hold it no more to be "the hedge and bulwark of religion," than the popiſh or prelatical courts, or the Spaniſh Inquiſition.

But we are told, "we embrace paganiſm and Judaiſm in the arms of toleration." A moſt audacious calumny! And yet while we deteſt Judaiſm, we know ourſelves commanded by St. Paul. Rom. xi, to reſpect the Jews, and by all means to endeavour their converſion.

Neither

Neither was it ever ſworn in the covenant, to maintain a univerſal preſbytery in England, as they falſely allege, but in Scotland againſt the common enemy, if our aid were called for: being left free to reform our own country according to the word of God, and the example of beſt reformed churches; from which rule we are not yet departed.

But here, utterly forgetting to be miniſters of the goſpel, they preſume to open their mouths, not "in the ſpirit of meekneſs," as like diſſemblers they pretend, but with as much deviliſh malice, impudence, and falſehood, as any Iriſh rebel could have uttered, and from a barbarous nook of Ireland brand us with the extirpation of laws and liberties; things which they ſeem as little to underſtand, as aught that belong to good letters or humanity.

"That we ſeized on the perſon of the king;" who was ſurrendered into our hands an enemy and captive by our own ſubordinate and paid army of Scots in England. Next, "our impriſoning many members of the houſe." As if it were impoſſible they ſhould deſerve it, conſpiring and bandying againſt the public good; which to the other part appearing, and, with the power they had, not reſiſting, had been a manifeſt deſertion of their truſt and duty. No queſtion but it is as good and neceſſary to expel rotten members out of the houſe, as to baniſh delinquents out of the land: and the reaſon holds as well in forty as in five. And if they be yet more, the more dangerous is their number. They had no privilege to ſit there, and vote home the author, the impenitent author of all our miſeries, to freedom, honour, and royalty, for a few fraudulent, if not deſtructive conceſſions. Which that they went about to do, how much more clear it was to all men, ſo much the more expedient and important to the commonwealth was their ſpeedy ſeizure and excluſion; and no breach of any juſt privilege, but a breach of their knotted faction. And here they cry out, "an action without parallel in any age." So heartily we wiſh all men were unprejudiced in all our actions, as theſe illiterate denouncers never paralleled ſo much of any age as would contribute to the

tithe

tithe of a century. "That we aboliſh parliamentary power, and eſtabliſh a repreſentative inſtead thereof." Now we have the height of them; theſe profound inſtructors, in the midſt of their repreſentation, would know the Engliſh of a repreſentative, and were perhaps of that claſſis, who heretofore were as much ſtaggered at triennial.

Their grand accuſation is our juſtice done on the king, which that they may prove to be "without rule or example," they venture all the credit they have in divine and human hiſtory; and by the ſame deſperate boldneſs detect themſelves to be egregious liars and impoſtors, ſeeking to abuſe the multitude with a ſhow of that gravity and learning, which never was their portion. Had their knowledge been equal to the knowledge of any ſtupid monk or abbot, they would have known at leaſt, though ignorant of all things elſe, the life and acts of him, who firſt inſtituted their order: but theſe blockiſh preſbyters of Clandeboy know not that John Knox, who was the firſt founder of preſbytery in Scotland, taught profeſſedly the doctrine of depoſing and of killing kings. And thus while they deny that any ſuch rule can be found, the rule is found in their own country, given them by their own firſt preſbyterian inſtitutor; and they themſelves, like irregular friars walking contrary to the rule of their own foundation, deſerve for ſo groſs an ignorance and tranſgreſſion to be diſciplined upon their own ſtools. Or had their reading in hiſtory been any, which by this we may be confident is none at all, or their malice not heightened to a blind rage, they never would ſo raſhly have thrown the dice to a palpable diſcovery of their ignorance and want of ſhame. But wherefore ſpend we two ſuch precious things as time and reaſon upon prieſts, the moſt prodigal miſſpenders of time, and the ſcarceſt owners of reaſon? It is ſufficient we have publiſhed our defences, given reaſons, given examples of our juſtice done; books alſo have been written to the ſame purpoſe for men to look on that will; that no nation under Heaven but in one age or other hath done the like. The difference only is, which rather ſeems to us matter of glory, that they for the moſt part have

have without form of law done the deed by a kind of martial juſtice, we by the deliberate and well-weighed ſentence of a legal judicature.

But they tell us, "it was againſt the intereſt and proteſtation of the kingdom of Scotland." And did exceeding well to join thoſe two together: hereby informing us what credit or regard need be given in England to a Scots proteſtation, uſhered in by a Scots intereſt: certainly no more than we ſee is given in Scotland to an Engliſh declaration, declaring the intereſt of England. If then our intereſt move not them, why ſhould theirs move us? If they ſay, we are not all England; we reply, they are not all Scotland: nay, were the laſt year ſo inconſiderable a part of Scotland, as were beholden to this which they now term the ſectarian army, to defend and reſcue them at the charges of England, from a ſtronger party of their own countrymen, in whoſe eſteem they were no better than ſectarians themſelves. But they add, "it was againſt the former declarations of both kingdoms," to ſeize, or proceed againſt the king. We are certain, that no ſuch declarations of both kingdoms, as derive not their full force from the ſenſe and meaning of the covenant, can be produced.

And if they plead againſt the covenant, "to preſerve and defend his perſon:" we aſk them briefly, whether they take the covenant to be abſolute or conditional? If abſolute, then ſuppoſe the king to have committed all prodigious crimes and impieties againſt God, or nature, or whole nations, he muſt nevertheleſs be ſacred from all violent touch. Which abſurd opinion, how it can live in any man's reaſon, either natural or rectified, we much marvel: ſince God declared his anger as impetuous for the ſaving of king Benhadad, though ſurrendering himſelf at mercy, as for the killing of Naboth. If it be conditional, in the preſervation and defence of religion, and the people's liberty, then certainly to take away his life, being dangerous, and pernicious to both theſe, was no more a breach of the covenant, than for the ſame reaſon at Edinburgh to behead Gordon the marquis of Huntley. By the ſame covenant we made vow to aſſiſt and defend all thoſe, that ſhould enter with us into this league; not abſolutely,

abſolutely, but in the maintenance and purſuing thereof. If therefore no man elſe was ever ſo mad, as to claim from hence an impunity from all juſtice, why ſhould any for the king, whoſe life, by other articles of the ſame covenant, was forfeit? Nay if common ſenſe had not led us to ſuch a clear interpretation, the Scots commiſſioners themſelves might boaſt to have been our firſt teachers: who, when they drew to the malignance which brought forth that perfidious laſt year's irruption againſt all the bands of covenant or chriſtian neighbourhood, making their hollow plea the defence of his majeſty's perſon, they were conſtrained by their own guiltineſs, to leave out that following morſel that would have choked them, "the preſervation and defence of true religion and our liberties." And queſtionleſs in the preſervation of theſe we are bound as well, both by the covenant, and before the covenant, to preſerve and defend the perſon of any private man, as the perſon and authority of any inferior magiſtrate: ſo that this article, objected with ſuch vehemence againſt us, contains not an exception of the king's perſon, and authority, to do by privilege what wickedneſs he liſt, and be defended as ſome fancy, but an expreſs teſtification of our loyalty; and the plain words without wreſting will bear as much, that we had no thoughts againſt his perſon, or juſt power, provided they might conſiſt with the preſervation and defence of true religion and our liberties. But to theſe how hazardous his life was, will be needleſs to repeat ſo often. It may ſuffice, that, while he was in cuſtody, where we expected his repentance, his remorſe at laſt, and compaſſion of all the innocent blood ſhed already, and hereafter likely to be ſhed for his mere wilfulneſs, he made no other uſe of our continual forbearance, our humbleſt petitions and obteſtations at his feet, but to ſit contriving and fomenting new plots againſt us, and, as his own phraſe was, "playing his own game" upon the miſeries of his people: of which we deſire no other view at preſent than theſe articles of peace with the rebels, and the rare game likely to enſue from ſuch a caſt of his cards. And then let men reflect a little upon the ſlanders and reviles of theſe wretched prieſts, and judge what modeſty, what

what truth, what conſcience, what any thing fit for miniſters, or we might ſay reaſonable men, can harbour in them. For what they began in ſhameleſſneſs and malice, they conclude in frenzy: throwing out a ſudden rhapſody of proverbs quite from the purpoſe; and with as much comelineſs as when Saul propheſied. For caſting off, as he did his garments, all modeſty and meekneſs wherewith the language of miniſters ought to be clothed, eſpecially to their ſupreme magiſtrate, they talk at random of "ſervants raging, ſervants riding, and wonder how the earth can bear them." Either theſe men imagine themſelves to be marvelouſly high ſet and exalted in the chair of Belfaſt, to vouchſafe the parliament of England no better ſtyle than ſervants, or elſe their high notion, which we rather believe, falls as low as court-paraſitiſm; ſuppoſing all men to be ſervants but the king. And then all their pains taken to ſeem ſo wiſe in proverbing ſerve but to conclude them downright ſlaves: and the edge of their own proverb falls reverſe upon themſelves. For as "delight is not ſeemly for fools," much leſs high words to come from baſe minds. What they are for miniſters, or how they crept into the fold, whether at the window, or through the wall, or who ſet them there ſo haughty in the pontifical ſee of Belfaſt, we know not. But this we rather have cauſe to wonder, if the earth can bear this inſufferable inſolency of upſtarts; who, from a ground which is not their own, dare ſend ſuch defiance to the ſovereign magiſtracy of England, by whoſe authority and in whoſe right they inhabit there. By their actions we might rather judge them to be a generation of highland thieves and redſhanks, who being neighbourly admitted, not as the Saxons by merit of their warfare againſt our enemies, but by the courteſy of England, to hold poſſeſſions in our province, a country better than their own, have, with worſe faith than thoſe heathen, proved ingrateful and treacherous gueſts to their beſt friends and entertainers. And let them take heed, leſt while their ſilence as to theſe matters might have kept them blameleſs and ſecure under thoſe proceedings which they ſo feared to partake in, that theſe their treaſonous attempts

attempts and practices have not involved them in a far worſe guilt of rebellion; and (notwithſtanding that fair dehortatory from joining with malignants) in the appearance of a cointereſt and partaking with the Iriſh rebels: againſt whom, though by themſelves pronounced to be the enemies of God, they go not out to battle, as they ought, but rather by theſe their doings aſſiſt and become aſſociates!

Ἐικονοκλαστης.

IN ANSWER TO A BOOK ENTITLED,

Ἐικων Βασιλικη,

THE PORTRAITURE OF HIS SACRED MAJESTY IN HIS SOLITUDES AND SUFFERINGS.

BY JOHN MILTON.

Published from the Author's Second Edition, printed in 1650.

WITH MANY ENLARGEMENTS:

BY RICHARD BARON.

WITH A PREFACE

Showing the transcendent Excellency of Milton's Prose Works.

To which is added,

An ORIGINAL LETTER to MILTON, never before published.

——— Morpheus, on thy dewy wing
Such fair auspicious visions bring,
As sooth'd great MILTON's injur'd age,
When in prophetic dreams he saw
The Tribes unborn with pious awe
Imbibe each virtue from his heavenly page.
DR. AKENSIDE.

THE EDITOR'S PREFACE.

WHEN the laſt impreſſion of Milton's proſe works was committed to my care, I executed that truſt with the greateſt fidelity. Not ſatisfied with printing from any copy at hand, as editors are generally wont, my affection and zeal for the author induced me to compare every ſentence, line by line, with the original edition of each treatiſe that I was able to obtain. Hence, errours innumerable of the former impreſſion were corrected; beſides what improvements were added from the author's ſecond edition of The Tenure of Kings and Magiſtrates, which Mr. Toland had either not ſeen, or had neglected to commit to the preſs.*

After I had endeavoured to do this juſtice to my favourite author, the laſt ſummer I diſcovered a ſecond edition of his Eikonoklaſtes, with many large and curious additions, printed in the year 1650, which edition had eſcaped the notice both of Mr. Toland and myſelf.

In communicating this diſcovery to a few friends, I found that this edition was not unkown to ſome others, though from low and baſe motives ſecreted from the public. But I, who from my ſoul love liberty, and for that reaſon openly and boldly aſſert its principles at all times, reſolved that the public ſhould no longer be withheld from the poſſeſſion of ſuch a treaſure.

I therefore now give a new impreſſion of this work, with the additions and improvements made by the author: and I deem it a ſingular felicity, to be the inſtrument of reſtoring to my country ſo many excellent lines

* Mr. Toland firſt collected and publiſhed the author's proſe works in 3 vols. folio, 1697, or 1698; for which all lovers of liberty owe grateful praiſe to his name: but through hurry, or perhaps not having ſeen the different copies, he printed from the firſt edition of ſome tracts, which the author had afterwards publiſhed with conſiderable additions.

In 1738 Milton's proſe works were again publiſhed in 2 vols. folio: of which impreſſion all I ſhall ſay is, that, no perſon being employed to inſpect the preſs, the printer took the liberty to alter what he did not underſtand, and thereby defaced the author, and marred the beauty of many paſſages.

long loſt, —— and in danger of being for ever loſt, —— of a writer who is a laſting honour to our language and nation; —— and of a work, wherein the principles of tyranny are confuted and overthrown, and all the arts and cunning of a great tyrant and his adherents detected and laid open.

The love of liberty is a public affection, of which thoſe men muſt be altogether void, that can ſuppreſs or ſmother any thing written in its defence, and tending to ſerve its glorious cauſe. What ſignify profeſſions, when the actions are oppoſite and contradictory? Could any high-churchman, any partizan of Charles I, have acted a worſe, or a different part, than ſome pretended friends of liberty have done in this inſtance? Many high-church prieſts and doctors have laid out conſiderable ſums to deſtroy the proſe works of Milton, and have purchaſed copies of his particular writings for the infernal pleaſure of conſuming them*. This practice, however deteſtable, was yet conſiſtent with principle. But no apology can be made for men that eſpouſe a cauſe, and at the ſame time conceal aught belonging to its ſupport. Such men may tell us that they love liberty, but I tell them that they love their bellies, their eaſe, their pleaſures, their profits, in the firſt place. A man that will not hazard all for liberty, is unworthy to be named among its votaries, unworthy to participate its bleſſings.

Many circumſtances at preſent loudly call upon us to exert ourſelves. Venality and corruption have well-nigh extinguiſhed all principles of liberty. The bad books alſo, that this age hath produced, have ruined our youth. The novels and romances, which are eagerly purchaſed

* This hath been practiſed with ſuch zeal by many of that curſed tribe, that it is a wonder there are any copies left. John Swale, a bookſeller of Leeds in Yorkſhire, an honeſt man, though of high-church, told me, that he could have more money for burning Milton's Defence of Liberty and the People of England, than I would give for the purchaſe of it. Some prieſts in that neighbourhood uſed to meet once a year, and after they were well warmed with ſtrong beer, they ſacrificed to the flames the author's Deſenſio pro Populo Anglicano, as alſo this treatiſe againſt the EIKΩN. I have it in my power to produce more inſtances of the like ſacerdotal ſpirit, with which in ſome future publication I may entertain the world.

and

and read, emaſculate the mind, and baniſh every thing grave and manly. One remedy for theſe evils is, to revive the reading of our old writers, of which we have good ſtore, and the ſtudy whereof would fortify our youth againſt the blandiſhments of pleaſure and the arts of corruption.

Milton in particular ought to be read and ſtudied by all our young gentlemen as an oracle. He was a great and noble genius, perhaps the greateſt that ever appeared among men; and his learning was equal to his genius. He had the higheſt ſenſe of liberty, glorious thoughts, with a ſtrong and nervous ſtyle. His works are full of wiſdom, a treaſure of knowledge. In them the divine, the ſtateſman, the hiſtorian, the philologiſt, may be all inſtructed and entertained. It is to be lamented, that his divine writings are ſo little known. Very few are acquainted with them, many have never heard of them. The ſame is true with reſpect to another great writer, contemporary with Milton, and an advocate for the ſame glorious cauſe; I mean Algernon Sydney, whoſe Diſcourſes on Government are the moſt precious legacy to theſe nations.

All antiquity cannot ſhow two writers equal to theſe. They were both great maſters of reaſon, both great maſters of expreſſion. They had the ſtrongeſt thoughts, and the boldeſt images, and are the beſt models that can be followed. The ſtyle of Sydney is always clear and flowing, ſtrong and maſculine. The great Milton has a ſtyle of his own, one fit to expreſs the aſtoniſhing ſublimity of his thoughts, the mighty vigour of his ſpirit, and that copia of invention, that redundancy of imagination, which no writer before or ſince hath equalled. In ſome places, it is confeſſed, that his periods are too long, which renders him intricate, if not altogether unintelligible to vulgar readers; but theſe places are not many. In the book before us his ſtyle is for the moſt part free and eaſy, and it abounds both in eloquence, and wit and argument. I am of opinion, that the ſtyle of this work is the beſt and moſt perfect of all his proſe writings. Other men have commended the ſtyle of his Hiſtory as matchleſs and incomparable, whoſe malice could not ſee

or would not acknowledge the excellency of his other works. It is no ſecret whence their averſion to Milton proceeds; and whence their caution of naming him as any other writer than a poet. Milton combated ſuperſtition and tyranny of every form, and in every degree. Againſt them he employed his mighty ſtrength, and, like a battering ram, beat down all before him. But notwithſtanding theſe mean arts, either to hide or to diſparage him, a little time will make him better known; and the more he is known, the more he will be admired. His works are not like the fugitive ſhort-lived things of this age, few of which ſurvive their authors: they are ſubſtantial, durable, eternal writings; which will never die, never periſh whilſt reaſon, truth, and liberty have a being in theſe nations.

Thus much I thought proper to ſay on occaſion of this publication, wherein I have no reſentment to gratify, no private intereſt to ſerve: all my aim is to ſtrengthen and ſupport that good old cauſe, which in my youth I embraced, and the principles whereof I will aſſert and maintain whilſt I live.

The following letter to Milton, being very curious, and no where publiſhed perfect and entire, may be fitly preſerved in this place.

A Letter from Mr. Wall to John Milton, Eſquire.

SIR,

I RECEIVED yours the day after you wrote, and do humbly thank you, that you are pleaſed to honour me with your letters. I confeſs I have (even in my privacy in the country) oft had thoughts of you, and that with much reſpect, for your friendlineſs to truth in your early years, and in bad times. But I was uncertain whether your relation to the court*, (though I think a commonwealth was more friendly to you than a court) had not clouded your former light, but your laſt book reſolved that doubt. You complain of the nonproficiency of the

* Milton was Latin Secretary.

nation,

nation, and of its retrogade motion of late, in liberty and ſpiritual truths. It is much to be bewailed; but yet let us pity human frailty. When thoſe who made deep proteſtations of their zeal for our liberty both ſpiritual and civil, and made the faireſt offers to be aſſertors thereof, and whom we thereupon truſted; when thoſe, being inſtated in power, ſhall betray the good thing committed to them, and lead us back to Egypt, and by that force, which we gave them to win us liberty, hold us faſt in chains; what can poor people do? You know who they were, that watched our Saviour's ſepulchre to keep him from riſing*.

Beſides, whilſt people are not free, but ſtraitened in accommodations for life, their ſpirits will be dejected and ſervile: and conducing to that end, there ſhould be an improving of our native commodities, as our manufactures, our fiſhery, our fens, foreſts, and commons, and our trade at ſea, &c. which would give the body of the nation a comfortable ſubſiſtence; and the breaking that curſed yoke of tithes would much help thereto.

Alſo another thing I cannot but mention, which is, that the Norman conqueſt and tyranny is continued upon the nation, without any thought of removing it; I mean the tenure of lands by copy-hold, and holding for life under a lord, or rather tyrant of a manor; whereby people care not to improve their land by coſt upon it, not knowing how ſoon themſelves or theirs may be outed it; nor what the houſe is in which they live, for the ſame reaſon: and they are far more enſlaved to the lord of the manor, than the reſt of the nation is to a king or ſupreme magiſtrate.

We have waited for liberty, but it muſt be God's work and not man's, who thinks it ſweet to maintain his pride and worldly intereſt to the gratifying of the fleſh, whatever becomes of the precious liberty of mankind.

But let us not deſpond, but do our duty; and God will carry on that bleſſed work in deſpite of all oppoſites, and to their ruin if they perſiſt therein.

* Soldiers; this is a ſevere inſinuation againſt a ſtanding army.

Sir, my humble requeſt is, that you would proceed, and give us that other member of the diſtribution mentioned in your book; viz. that Hire doth greatly impede truth and liberty: it is like if you do, you ſhall find oppoſers: but remember that ſaying, Beatius eſt pati quam frui: or, in the apoſtle's words, James v, 11, We count them happy that endure.

I have ſometimes thought (concurring with your aſſertion of that ſtoried voice that ſhould ſpeak from Heaven) when eccleſiaſtics were endowed with worldly preferments, hodie venenum infunditur in eccleſiam: for to uſe the ſpeech of Geneſis iv, ult. according to the ſenſe which it hath in the Hebrew, then began men to corrupt the worſhip of God. I ſhall tell you a ſuppoſal of mine, which is this: Mr. Dury has beſtowed about thirty years time in travel, conference, and writings, to reconcile Calviniſts and Lutherans, and that with little or no ſucceſs. But the ſhorteſt way were, —— take away eccleſiaſtical dignities, honours, and preferments, on both ſides, and all would ſoon be huſhed; the eccleſiaſtics would be quiet, and then the people would come forth into truth and liberty. But I will not engage in this quarrel; yet I ſhall lay this engagement upon myſelf to remain

Your faithful friend and ſervant,

JOHN WALL.

Cauſham, May 26, 1659.

From this Letter the reader may ſee in what way wiſe and good men of that age employed themſelves: in ſtudying to remove every grievance, to break every yoke. And it is matter of aſtoniſhment, that this age, which boaſts of greateſt light and knowledge, ſhould make no effort toward a reformation in things acknowledged to be wrong; but both in religion and in civil government be barbarian!

RICHARD BARON.

Below Blackheath,
June 20, 1756.

ΕΙΚΟΝΟΚΛΑΣΤΗΣ.

IN ANSWER TO A BOOK ENTITLED,

ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ,

THE PORTRAITURE OF HIS SACRED MAJESTY IN HIS SOLITUDES AND SUFFERINGS.

Prov. xxviii, 15. As a roaring lion and a raging bear, ſo is a wicked ruler over the poor people.

16. The prince that wanteth underſtanding, is alſo a great oppreſſor; but he that hateth covetouſneſs, ſhall prolong his days.

17. A man that doth violence to the blood of any perſon, ſhall fly to the pit, let no man ſtay him.

Salluſt. Conjurat. Catalin.

Regium imperium, quod initio, conſervandæ libertatis, atque augendæ reipublicæ cauſâ fuerat, in ſuperbiam, dominationemque ſe convertit.

Regibus boni, quam mali, ſuſpectiores ſunt, ſemperque his aliena virtus formidoloſa eſt.

Impunè quælibet facere, id eſt regem eſſe.

Idem Bell. Jugurth.

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THE PREFACE.

TO deſcant on the misfortunes of a perſon fallen from ſo high a dignity, who hath alſo paid his final debt both to nature and his faults, is neither of itſelf a thing commendable, nor the intention of this diſcourſe. Neither was it fond ambition, nor the vanity to get a name, preſent or with poſterity, by writing againſt a king. I never was ſo thirſty after fame, nor ſo deſtitute of other hopes and means, better and more certain to attain it: for kings have gained glorious titles from their favourers by writing againſt private men, as Henry VIIIth did againſt Luther;

but no man ever gained much honour by writing againſt a king, as not uſually meeting with that force of argument in ſuch courtly antagoniſts, which to convince might add to his reputation. Kings moſt commonly, though ſtrong in legions, are but weak at arguments; as they who ever have accuſtomed from the cradle to uſe their will only as their right hand, their reaſon always as their left. Whence unexpectedly conſtrained to that kind of combat, they prove but weak and puny adverſaries: nevertheleſs, for their ſakes, who through cuſtom, ſimplicity, or want of better teaching, have not more ſeriouſly conſidered kings, than in the gaudy name of majeſty, and admire them and their doings as if they breathed not the ſame breath with other mortal men, I ſhall make no ſcruple to take up (for it ſeems to be the challenge both of him and all his party) to take up this gauntlet, though a king's, in the behalf of liberty and the commonwealth.

And further, ſince it appears manifeſtly the cunning drift of a factious and defeated party, to make the ſame advantage of his book, which they did before of his regal name and authority, and intend it not ſo much the defence of his former actions, as the promoting of their own future deſigns; (making thereby the book their own rather than the king's, as the benefit now muſt be their own more than his) now the third time to corrupt and diſorder the minds of weaker men, by new ſuggeſtions and narrations, either falſely or fallaciouſly repreſenting the ſtate of things to the diſhonour of this preſent government, and the retarding of a general peace, ſo needful to this afflicted nation, and ſo nigh obtained; I ſuppoſe it no injury to the dead, but a good deed rather to the living, if by better information given them, or, which is enough, by only remembering them the truth of what they themſelves know to be here miſaffirmed, they may be kept from entering the third time unadviſedly into war and bloodſhed: for as to any moment of ſolidity in the book itſelf, (ſave only that a king is ſaid to be the author, a name, than which there needs no more among the blockiſh vulgar, to make it wiſe, and excellent, and admired, nay to ſet it next the Bible, though otherwiſe containing little elſe but the common grounds

of

of tyranny and popery, dreſſed up, the better to deceive, in a new proteſtant guiſe, trimly garniſhed over,) or as to any need of anſwering, in reſpect of ſtaid and well-principled men, I take it on me as a work aſſigned rather, than by me choſen or affected: which was the cauſe both of beginning it ſo late, and finiſhing it ſo leiſurely in the midſt of other employments and diverſions. And though well it might have ſeemed in vain to write at all, conſidering the envy and almoſt infinite prejudice likely to be ſtirred up among the common ſort, againſt whatever can be written or gainſaid to the king's book, ſo advantageous to a book it is, only to be a king's; and though it be an irkſome labour, to write with induſtry and judicious pains, that which, neither weighed nor well read, ſhall be judged without induſtry or the pains of well-judging, by faction and the eaſy literature of cuſtom and opinion; it ſhall be ventured yet, and the truth not ſmothered, but ſent abroad, in the native confidence of her ſingle ſelf, to earn, how ſhe can, her entertainment in the world, and to find out her own readers: few perhaps, but thoſe few, of ſuch value and ſubſtantial worth, as truth and wiſdom, not reſpecting numbers and big names, have been ever wont in all ages to be contented with. And if the late king had thought ſufficient thoſe anſwers and defences made for him in his lifetime, they who on the other ſide accuſed his evil government, judging that on their behalf enough alſo hath been replied, the heat of this controverſy was in all likelihood drawing to an end; and the further mention of his deeds, not ſo much unfortunate as faulty, had in tenderneſs to his late ſufferings been willingly forborn; and perhaps for the preſent age might have ſlept with him unrepeated, while his adverſaries, calmed and aſſuaged with the ſucceſs of their cauſe, had been the leſs unfavourable to his memory. But ſince he himſelf, making new appeal to truth and the world, hath left behind him this book, as the beſt advocate and interpreter of his own actions, and that his friends by publiſhing, diſperſing, commending, and almoſt adoring it, ſeem to place therein the chief ſtrength and nerves of their cauſe; it would argue doubtleſs in the other party great deficience and diſtruſt

diſtruſt of themſelves, not to meet the force of his reaſon in any field whatſoever, the force and equipage of whoſe arms they have ſo often met victoriouſly: and he who at the bar ſtood excepting againſt the form and manner of his judicature, and complained that he was not heard; neither he nor his friends ſhall have that cauſe now to find fault, being met and debated with in this open and monumental court of his erecting; and not only heard uttering his whole mind at large, but anſwered: which to do effectually, if it be neceſſary, that to his book nothing the more reſpect be had for being his, they of his own party can have no juſt reaſon to exclaim. For it were too unreaſonable that he, becauſe dead, ſhould have the liberty in his book to ſpeak all evil of the parliament; and they, becauſe living, ſhould be expected to have leſs freedom, or any for them, to ſpeak home the plain truth of a full and pertinent reply. As he, to acquit himſelf, hath not ſpared his adverſaries to load them with all ſorts of blame and accuſation, ſo to him, as in his book alive, there will be uſed no more courtſhip than he uſes; but what is properly his own guilt, not imputed any more to his evil counſellors (a ceremony uſed longer by the parliament than he himſelf deſired) ſhall be laid here without circumlocutions at his own door. That they who from the firſt beginning, or but now of late, by what unhappineſs I know not, are ſo much affatuated, not with his perſon only, but with his palpable faults, and doat upon his deformities, may have none to blame but their own folly, if they live and die in ſuch a ſtrooken blindneſs, as next to that of Sodom hath not happened to any ſort of men more groſs, or more miſleading. Yet neither let his enemies expect to find recorded here all that hath been whiſpered in the court, or alleged openly, of the king's bad actions; it being the proper ſcope of this work in hand, not to rip up and relate the miſdoings of his whole life, but to anſwer only and refute the miſſayings of his book.

Firſt then, that ſome men (whether this were by him intended, or by his friends) have by policy accompliſhed after death that revenge upon their enemies, which in life they were not able, hath been oft related. And

among other examples we find, that the laſt will of Cæſar being read to the people, and what bounteous legacies he had bequeathed them, wrought more in that vulgar audience to the avenging of his death, than all the art he could ever uſe to win their favour in his lifetime. And how much their intent, who publiſhed theſe overlate apologies and meditations of the dead king, drives to the ſame end of ſtirring up the people to bring him that honour, that affection, and by conſequence that revenge to his dead corpſe, which he himſelf living could never gain to his perſon, it appears both by the conceited portraiture before his book, drawn out to the full meaſure of a maſking ſcene, and ſet there to catch fools and ſilly gazers; and by thoſe Latin words after the end, Vota dabunt quæ bella negarunt; intimating, that what he could not compaſs by war, he ſhould achieve by his meditations: for in words which admit of various ſenſe, the liberty is ours, to chooſe that interpretation, which may beſt mind us of what our reſtleſs enemies endeavour, and what we are timely to prevent. And here may be well obſerved the looſe and negligent curioſity of thoſe, who took upon them to adorn the ſetting out of this book; for though the picture ſet in front would martyr him and ſaint him to befool the people, yet the Latin motto in the end, which they underſtand not, leaves him, as it were, a politic contriver to bring about that intereſt, by fair and plauſible words, which the force of arms denied him. But quaint emblems and devices, begged from the old pageantry of ſome twelfthnight's entertainment at Whitehall, will do but ill to make a ſaint or martyr: and if the people reſolve to take him ſainted at the rate of ſuch a canonizing, I ſhall ſuſpect their calendar more than the Gregorian. In one thing I muſt commend his openneſs, who gave the title to this book, Εικὼν Βασιλικὴ, that is to ſay, The King's Image; and by the ſhrine he dreſſes out for him, certainly would have the people come and worſhip him. For which reaſon this anſwer alſo is entitled, Iconoclaſtes, the famous ſurname of many Greek emperors, who in their zeal to the command of God, after long tradition of idolatry in the church, took courage and broke all ſuperſtitious images

to

to pieces. But the people, exorbitant and exceſſive in all their motions, are prone ofttimes not to a religious only, but to a civil kind of idolatry, in idolizing their kings: though never more miſtaken in the object of their worſhip; heretofore being wont to repute for ſaints thoſe faithful and courageous barons, who loſt their lives in the field, making glorious war againſt tyrants for the common liberty; as Simon de Momfort, earl of Leiceſter, againſt Henry the IIId; Thomas Plantagenet, earl of Lancaſter, againſt Edward the IId. But now, with a beſotted and degenerate baſeneſs of ſpirit, except ſome few who yet retain in them the old Engliſh fortitude and love of freedom, and have teſtified it by their matchleſs deeds, the reſt, imbaſtardized from the ancient nobleneſs of their anceſtors, are ready to fall flat and give adoration to the image and memory of this man, who hath offered at more cunning fetches to undermine our liberties, and put tyranny into an art, than any Britiſh king before him: which low dejection and debaſement of mind in the people, I muſt confeſs, I cannot willingly aſcribe to the natural diſpoſition of an Engliſhman, but rather to two other cauſes; firſt, to the prelates and their fellow-teachers, though of another name and ſect*, whoſe pulpit-ſtuff, both firſt and laſt, hath been the doctrine and perpetual infuſion of ſervility and wretchedneſs to all their hearers, and whoſe lives the type of worldlineſs and hypocriſy, without the leaſt true pattern of virtue, righteouſneſs, or ſelf denial in their whole practice. I attribute it next to the factious inclination of moſt men divided from the public by ſeveral ends and humours of their own. At firſt no man leſs beloved, no man more generally condemned, than was the king; from the time that it became his cuſtom to break parliaments at home, and either wilfully or weakly to betray proteſtants abroad, to the beginning of theſe combuſtions. All men inveighed againſt him; all men, except court-vaſſals, oppoſed him and his tyrannical proceedings; the cry was univerſal; and this full parliament was at firſt unanimous in their diſlike and proteſtation againſt his evil government. But when they, who fought themſelves and not

* The Preſbyterians.

the

the public, began to doubt, that all of them could not by one and the ſame way attain to their ambitious purpoſes, then was the king, or his name at leaſt, as a fit property firſt made uſe of, his doings made the beſt of, and by degrees juſtified; which begot him ſuch a party, as, after many wiles and ſtrugglings with his inward fears, emboldened him at length to ſet up his ſtandard againſt the parliament: whenas before that time, all his adherents, conſiſting moſt of diſſolute ſwordſmen and ſuburb-royſters, hardly amounted to the making up of one ragged regiment ſtrong enough to aſſault the unarmed houſe of commons. After which attempt, ſeconded by a tedious and bloody war on his ſubjects, wherein he hath ſo far exceeded thoſe his arbitrary violences in time of peace, they who before hated him for his high miſgovernment, nay fought againſt him with diſplayed banners in the field, now applaud him and extol him for the wiſeſt and moſt religious prince that lived. By ſo ſtrange a method amongſt the mad multitude is a ſudden reputation won, of wiſdom by wilfulneſs and ſubtle ſhifts, of goodneſs by multiplying evil, of piety by endeavouring to root out true religion.

But it is evident that the chief of his adherents never loved him, never honoured either him or his cauſe, but as they took him to ſet a face upon their own malignant deſigns, nor bemoan his loſs at all, but the loſs of their own aſpiring hopes: like thoſe captive women, whom the poet notes in his Iliad, to have bewailed the death of Patroclus in outward ſhow, but indeed their own condition.

Πάτροκλον προφάσιν, σφῶν δ' αὐτῶν κήδε ἑκάστη.
Hom. Iliad. τ.

And it needs muſt be ridiculous to any judgment unenthralled, that they, who in other matters expreſs ſo little fear either of God or man, ſhould in this one particular outſtrip all preciſianiſm with their ſcruples and caſes, and fill men's ears continually with the noiſe of their conſcientious loyalty and allegiance to the king, rebels in the mean while to God in all their actions beſides:

beſides: much leſs that they, whoſe profeſſed loyalty and allegiance led them to direct arms againſt the king's perſon, and thought him nothing violated by the ſword of hoſtility drawn by them againſt him, ſhould now in earneſt think him violated by the unſparing ſword of juſtice, which undoubtedly ſo much the leſs in vain ſhe bears among men, by how much greater and in higheſt place the offender. Elſe juſtice, whether moral or political, were not juſtice, but a falſe counterfeit of that impartial and godlike virtue. The only grief is, that the head was not ſtrook off to the beſt advantage and commodity of them that held it by the hair *: an ingrateful and perverſe generation, who having firſt cried to God to be delivered from their king, now murmur againſt God that heard their prayers, and cry as loud for their king againſt thoſe that delivered them. But as to the author of theſe ſoliloquies, whether it were undoubtedly the late king, as is vulgarly believed, or any ſecret coadjutor, and ſome ſtick not to name him; it can add nothing, nor ſhall take from the weight, if any be, of reaſon which he brings. But allegations, not reaſons, are the main contents of this book, and need no more than other contrary allegations to lay the queſtion before all men in an even balance; though it were ſuppoſed, that the teſtimony of one man, in his own cauſe affirming, could be of any moment to bring in doubt the authority of a parliament denying. But if theſe his fairſpoken words ſhall be here fairly confronted and laid parallel to his own far differing deeds, manifeſt and viſible to the whole nation, then ſurely we may look on them, who notwithſtanding ſhall perſiſt to give to bare words more credit than to open deeds, as men whoſe judgment was not rationally evinced and perſuaded, but fatally ſtupified and bewitched into ſuch a blind and obſtinate belief: for whoſe cure it may be doubted, not whether any charm, though never ſo wiſely murmured, but whether any prayer can be available. This however would be remembered and well noted, that while the king, inſtead of

* The author adds in the firſt edition, which obſervation, though made by a common enemy, may for the truth of it hereafter become a proverb.

that

that repentance which was in reaſon and in conſcience to be expected from him, without which we could not lawfully readmit him, perſiſts here to maintain and juſtify the moſt apparent of his evil doings, and waſhes over with a court-fucus the worſt and fouleſt of his actions, diſables and uncreates the parliament itſelf, with all our laws and native liberties that aſk not his leave, diſhonours and attaints all proteſtant churches not prelatical, and what they piouſly reformed, with the ſlander of rebellion, ſacrilege, and hypocriſy; they, who ſeemed of late to ſtand up hotteſt for the covenant, can now ſit mute and much pleaſed to hear all theſe opprobrious things uttered againſt their faith, their freedom, and themſelves in their own doings made traitors to boot: the divines alſo, their wizards, can be ſo brazen as to cry Hoſanna to this his book, which cries louder againſt them for no diſciples of Chriſt, but of Iſcariot; and to ſeem now convinced with theſe withered arguments and reaſons here, the ſame which in ſome other writings of that party, and in his own former declarations and expreſſes, they have ſo often heretofore endeavoured to confute and to explode; none appearing all this while to vindicate church or ſtate from theſe calumnies and reproaches, but a ſmall handful of men, whom they defame and ſpit at with all the odious names of ſchiſm and ſectariſm. I never knew that time in England, when men of trueſt religion were not counted ſectaries: but wiſdom now, valour, juſtice, conſtancy, prudence united and imbodied to defend religion and our liberties, both by word and deed, againſt tyranny, is counted ſchiſm and faction. Thus in a graceleſs age things of higheſt praiſe and imitation under a right name, to make them infamous and hateful to the people, are miſcalled. Certainly, if ignorance and perverſeneſs will needs be national and univerſal, then they who adhere to wiſdom and to truth, are not therefore to be blamed, for being ſo few as to ſeem a ſect or faction. But in my opinion it goes not ill with that people where theſe virtues grow ſo numerous and well joined together, as to reſiſt and make head againſt the rage and torrent of that boiſterous folly and ſuperſtition, that poſſeſſes and hurries on the vulgar ſort. This therefore we may conclude to

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be a high honour done us from God, and a ſpecial mark of his favour, whom he hath ſelected as the ſole remainder, after all theſe changes and commotions, to ſtand upright and ſtedfaſt in his cauſe; dignified with the defence of truth and public liberty; while others, who aſpired to be the top of zealots, and had almoſt brought religion to a kind of trading monopoly, have not only by their late ſilence and neutrality belied their profeſſion, but foundered themſelves and their conſciences, to comply with enemies in that wicked cauſe and intereſt, which they have too often curſed in others, to proſper now in the ſame themſelves.

I. *Upon the king's calling this laſt parliament.*

THAT which the king lays down here as his firſt foundation, and as it were the head ſtone of his whole ſtructure, that, "he called this laſt parliament, not more by others advice, and the neceſſity of his affairs, than by his own choice and inclination;" is to all knowing men ſo apparently not true, that a more unlucky and inauſpicious ſentence, and more betokening the downfal of his whole fabric, hardly could have come into his mind. For who knows not, that the inclination of a prince is beſt known either by thoſe next about him, and moſt in favour with him, or by the current of his own actions? Thoſe neareſt to this king, and moſt his favourites, were courtiers and prelates; men whoſe chief ſtudy was to find out which way the king inclined, and to imitate him exactly: how theſe men ſtood affected to parliaments cannot be forgotten. No man but may remember, it was their continual exerciſe to diſpute and preach againſt them; and in their common diſcourſe nothing was more frequent, than that "they hoped the king ſhould now have no need of parliaments any more." And this was but the copy, which his paraſites had induſtriouſly taken from his own words and actions, who never called a parliament but to ſupply his neceſſities; and having ſupplied thoſe, as ſuddenly and ignominiouſly diſſolved it, without redreſſing any one grievance of the people: ſometimes

ſometimes chooſing rather to miſs of his ſubſidies, or to raiſe them by illegal courſes, than that the people ſhould not ſtill miſs of their hopes to be relieved by parliaments.

The firſt he broke off at his coming to the crown, for no other cauſe than to protect the duke of Buckingham againſt them who had accuſed him, beſides other heinous crimes, of no leſs than poiſoning the deceaſed king his father; concerning which matter the declaration of No more addreſſes hath ſufficiently informed us. And ſtill the latter breaking was with more affront and indignity put upon the houſe and her worthieſt members, than the former. Inſomuch that in the fifth year of his reign, in a proclamation he ſeems offended at the very rumour of a parliament divulged among the people; as if he had taken it for a kind of ſlander, that men ſhould think him that way exorable, much leſs inclined: and forbids it as a preſumption, to preſcribe him any time for parliaments; that is to ſay, either by perſuaſion or petition, or ſo much as the reporting of ſuch a rumour: for other manner of preſcribing was at that time not ſuſpected. By which fierce edict, the people, forbidden to complain, as well as forced to ſuffer, began from thenceforth to deſpair of parliaments. Whereupon ſuch illegal actions, and eſpecially to get vaſt ſums of money, were put in practice by the king and his new officers, as monopolies, compulſive knighthoods, coat, conduct, and ſhip-money, the ſeizing not of one Naboth's vineyard, but of whole inheritances, under the pretence of foreſt or crown-lands; corruption and bribery compounded for, with impunities granted for the future, as gave evident proof, that the king never meant, nor could it ſtand with the reaſon of his affairs, ever to recall parliaments: having brought by theſe irregular courſes the people's intereſt and his own to ſo direct an oppoſition, that he might foreſee plainly, if nothing but a parliament could ſave the people, it muſt neceſſarily be his undoing.

Till eight or nine years after, proceeding with a high hand in theſe enormities, and having the ſecond time levied an injurious war againſt his native country Scotland; and finding all thoſe other ſhifts of raiſing money, which bore out his firſt expedition, now to fail him, not

" of his own choice and inclination," as any child may ſee, but urged by ſtrong neceſſities, and the very pangs of ſtate, which his own violent proceedings had brought him to, he calls a parliament; firſt in Ireland, which only was to give him four ſubſidies and ſo to expire; then in England, where his firſt demand was but twelve ſubſidies to maintain a Scots war, condemned and abominated by the whole kingdom: promiſing their grievances ſhould be conſidered afterwards. Which when the parliament, who judged that war itſelf one of their main grievances, made no haſte to grant, not enduring the delay of his impatient will, or elſe fearing the conditions of their grant, he breaks off the whole ſeſſion, and diſmiſſes them and their grievances with ſcorn and fruſtration.

Much leſs therefore did he call this laſt parliament by his own choice and inclination; but having firſt tried in vain all undue ways to procure money, his army of their own accord being beaten in the north, the lords petitioning, and the general voice of the people almoſt hiſſing him and his ill acted regality off the ſtage, compelled at length both by his wants, and by his fears, upon mere extremity he ſummoned this laſt parliament. And how is it poſſible, that he ſhould willingly incline to parliaments, who never was perceived to call them but for the greedy hope of a whole national bribe, his ſubſidies; and never loved, never fulfilled, never promoted the true end of parliaments, the redreſs of grievances; but ſtill put them off, and prolonged them, whether gratified or not gratified; and was indeed the author of all thoſe grievances? To ſay therefore, that he called this parliament of his own choice and inclination, argues how little truth we can expect from the ſequel of this book, which ventures in the very firſt period to affront more than one nation with an untruth ſo remarkable; and preſumes a more implicit faith in the people of England, than the pope ever commanded from the Romiſh laity; or elſe a natural ſottiſhneſs fit to be abuſed and ridden: while in the judgment of wiſe men, by laying the foundation of his defence on the avouchment of that which is ſo manifeſtly untrue, he hath given a worſe foil to his own cauſe, than when his whole forces were at any time overthrown.

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They therefore, who think ſuch great ſervice done to the king's affairs in publiſhing this book, will find themſelves in the end miſtaken; if ſenſe and right mind, or but any mediocrity of knowledge and remembrance hath not quite forſaken men.

But to prove his inclination to parliaments, he affirms here, " to have always thought the right way of them moſt ſafe for his crown, and beſt pleaſing to his people." What he thought, we know not, but that he ever took the contrary way, we ſaw; and from his own actions we felt long ago what he thought of parliaments or of pleaſing his people: a ſurer evidence than what we hear now too late in words.

He alleges, that " the cauſe of forbearing to convene parliaments was the ſparks, which ſome men's diſtempers there ſtudied to kindle." They were indeed not tempered to his temper; for it neither was the law, nor the rule, by which all other tempers were to be tried; but they were eſteemed and choſen for the fitteſt men, in their ſeveral counties, to allay and quench thoſe diſtempers, which his own inordinate doings had inflamed. And if that were his refuſing to convene, till thoſe men had been qualified to his temper, that is to ſay, his will, we may eaſily conjecture what hope there was of parliaments, had not fear and his inſatiate poverty, in the midſt of his exceſſive wealth, conſtrained him.

" He hoped by his freedom and their moderation to prevent miſunderſtandings." And wherefore not by their freedom and his moderation? But freedom he thought too high a word for them, and moderation too mean a word for himſelf: this was not the way to prevent miſunderſtandings. He ſtill " feared paſſion and prejudice in other men;" not in himſelf: " and doubted not by the weight of his" own " reaſon, to counterpoiſe any faction;" it being ſo eaſy for him, and ſo frequent, to call his obſtinacy reaſon, and other men's reaſon, faction. We in the mean while muſt believe, that wiſdom and all reaſon came to him by title with his crown; paſſion, prejudice, and faction came to others by being ſubjects.

" He was ſorry to hear, with what popular heat elec-

tions were carried in many places." Sorry rather, that court-letters and intimations prevailed no more, to divert, or to deter the people from their free election of thoſe men, whom they thought beſt affected to religion and their country's liberty, both at that time in danger to be loſt. And ſuch men they were, as by the kingdom were ſent to adviſe him, not ſent to be cavilled at, becauſe elected, or to be entertained by him with an undervalue and miſpriſion of their temper, judgment, or affection. In vain was a parliament thought fitteſt by the known laws of our nation, to adviſe and regulate unruly kings, if they, inſtead of hearkening to advice, ſhould be permitted to turn it off, and refuſe it by vilifying and traducing their adviſers, or by accuſing of a popular heat thoſe that lawfully elected them.

" His own and his children's intereſt obliged him to ſeek, and to preſerve the love and welfare of his ſubjects." Who doubts it? But the ſame intereſt, common to all kings, was never yet available to make them all ſeek that, which was indeed beſt for themſelves and their poſterity. All men by their own and their children's intereſt are obliged to honeſty and juſtice: but how little that conſideration works in private men, how much leſs in kings, their deeds declare beſt.

" He intended to oblige both friends and enemies, and to exceed their deſires, did they but pretend to any modeſt and ſober ſenſe;" miſtaking the whole buſineſs of a parliament; which met not to receive from him obligations, but juſtice; nor he to expect from them their modeſty but their grave advice, uttered with freedom in the public cauſe. His talk of modeſty in their deſires of the common welfare argues him not much to have underſtood what he had to grant, who miſconceived ſo much the nature of what they had to deſire. And for " ſober ſenſe," the expreſſion was too mean, and recoils with as much diſhonour upon himſelf, to be a king where ſober ſenſe could poſſiby be ſo wanting in a parliament.

" The odium and offences, which ſome men's rigour, or remiſſneſs in church and ſtate, had contracted upon his government, he reſolved to have expiated with better laws and regulations." And yet the worſt of miſdemeanors

nors committed by the worſt of all his favourites in the height of their dominion, whether acts of rigour or remiſſneſs, he hath from time to time continued, owned, and taken upon himſelf by public declarations, as often as the clergy, or any other of his inſtruments, felt themſelves overburdened with the people's hatred. And who knows not the ſuperſtitious rigour of his Sunday's chapel, and the licentious remiſſneſs of his Sunday's theatre; accompanied with that reverend ſtatute for dominical jigs and maypoles, publiſhed in his own name, and derived from the example of his father James? Which teſtifies all that rigour in ſuperſtition, all that remiſſneſs in religion, to have iſſued out originally from his own houſe, and from his own authority. Much rather then may thoſe general miſcarriages in ſtate, his proper ſphere, be imputed to no other perſon chiefly than to himſelf. And which of all thoſe oppreſſive acts or impoſitions did he ever diſclaim or diſavow, till the fatal awe of this parliament hung ominouſly over him? Yet here he ſmoothly ſeeks to wipe off all the envy of his evil government upon his ſubſtitutes and under-officers; and promiſes, though much too late, what wonders he purpoſed to have done in the reforming of religion: a work wherein all his undertakings heretofore declared him to have had little or no judgment: neither could his breeding, or his courſe of life acquaint him with a thing ſo ſpiritual. Which may well aſſure us what kind of reformation we could expect from him; either ſome politic form of an impoſed religion, or elſe perpetual vexation and perſecution to all thoſe that complied not with ſuch a form. The like amendment he promiſes in ſtate; not a ſtep further "than his reaſon and conſcience told him was fit to be deſired;" wiſhing "he had kept within thoſe bounds, and not ſuffered his own judgment to have been overborne in ſome things," of which things one was the earl of Strafford's execution. And what ſignifies all this, but that ſtill his reſolution was the ſame, to ſet up an arbitrary government of his own, and that all Britain was to be tied and chained to the conſcience, judgment, and reaſon of one man; as if thoſe gifts had been only his peculiar and prerogative, entailed upon him with his fortune to be a

king? Whenas doubtleſs no man ſo obſtinate, or ſo much a tyrant, but profeſſes to be guided by that which he calls his reaſon and his judgment, though never ſo corrupted; and pretends alſo his conſcience. In the mean while, for any parliament or the whole nation to have either reaſon, judgment, or conſcience, by this rule was altogether in vain, if it thwarted the king's will; which was eaſy for him to call by any other plauſible name. He himſelf hath many times acknowledged, to have no right over us but by law; and by the ſame law to govern us: but law in a free nation hath been ever public reaſon, the enacted reaſon of a parliament; which he denying to enact, denies to govern us by that which ought to be our law; interpoſing his own private reaſon, which to us is no law. And thus we find theſe fair and ſpecious promiſes, made upon the experience of many hard ſufferings, and his moſt mortified retirements, being thoroughly ſifted to contain nothing in them much different from his former practices, ſo croſs, and ſo averſe to all his parliaments, and both the nations of this iſland. What fruits they could in likelihood have produced in his reſtorement, is obvious to any prudent foreſight.

And this is the ſubſtance of his firſt ſection, till we come to the devout of it, modelled into the form of a private pſalter. Which they who ſo much admire, either for the matter or the manner, may as well admire the archbiſhop's late breviary, and many other as good manuals and handmaids of Devotion, the lip-work of every prelatical liturgiſt, clapped together and quilted out of ſcripture-phraſe, with as much eaſe, and as little need of chriſtian diligence or judgment, as belongs to the compiling of any ordinary and ſaleable piece of Engliſh divinity, that the ſhops value. But he who from ſuch a kind of pſalmiſtry, or any other verbal devotion, without the pledge and earneſt of ſuitable deeds, can be perſuaded of a zeal and true righteouſneſs in the perſon, hath much yet to learn; and knows not that the deepeſt policy of a tyrant hath been ever to counterfeit religious. And Ariſtotle in his Politics hath mentioned that ſpecial craft among twelve other tyrannical ſophiſms. Neither want we examples; Andronicus Commenus the Byzantine

emperor, though a moſt cruel tyrant, is reported by Nicetas, to have been a conſtant reader of Saint Paul's epiſtles; and by continual ſtudy had ſo incorporated the phraſe and ſtyle of that tranſcendant apoſtle into all his familiar letters, that the imitation ſeemed to vie with the original. Yet this availed not to deceive the people of that empire, who, notwithſtanding his ſaint's vizard, tore him to pieces for his tyranny. From ſtories of this nature both ancient and modern which abound, the poets alſo, and ſome Engliſh, have been in this point ſo mindful of decorum, as to put never more pious words in the mouth of any perſon, than of a tyrant. I ſhall not inſtance an abſtruſe author, wherein the king might be leſs converſant, but one whom we well know was the cloſet companion of theſe his ſolitudes, William Shakſpeare; who introduces the perſon of Richard the third, ſpeaking in as high a ſtrain of piety and mortification as is uttered in any paſſage of this book, and ſometimes to the ſame ſenſe and purpoſe with ſome words in this place; "I intended," ſaith he, "not only to oblige my friends, but my enemies." The like ſaith Richard, Act II, Scen. 1,

> "I do not know that Engliſhman alive,
> With whom my ſoul is any jot at odds,
> More than the infant that is born to night;
> I thank my God for my humility."

Other ſtuff of this ſort may be read throughout the whole tragedy, wherein the poet uſed not much licence in departing from the truth of hiſtory, which delivers him a deep diſſembler, not of his affections only, but of religion.

In praying therefore, and in the outward work of devotion, this king we ſee hath not at all exceeded the worſt of kings before him. But herein the worſt of kings, profeſſing Chriſtianiſm, have by far exceeded him. They, for aught we know, have ſtill prayed their own, or at leaſt borrowed from fit authors. But this king, not content with that which, although in a thing holy, is no holy theft, to attribute to his own making other men's whole prayers, hath as it were unhallowed and unchriſtened the very duty of

prayer itſelf, by borrowing to a chriſtian uſe prayers offered to a heathen god. Who would have imagined ſo little fear in him of the true all-ſeeing deity, ſo little reverence of the Holy Ghoſt, whoſe office is to dictate and preſent our chriſtian prayers, ſo little care of truth in his laſt words, or honour to himſelf, or to his friends, or ſenſe of his afflictions, or of that ſad hour which was upon him, as immediately before his death to pop into the hand of that grave biſhop who attended him, for a ſpecial relique of his ſaintly exerciſes, a prayer ſtolen word for word from the mouth of a heathen * woman praying to a heathen god; and that in no ſerious book, but the vain amatorious poem of ſir Philip Sidney's Arcadia; a book in that kind full of worth and wit, but among religious thoughts and duties not worthy to be named; nor to be read at any time without good caution, much leſs in time of trouble and affliction to be a Chriſtian's prayerbook? They who are yet incredulous of what I tell them for a truth, that this philippic prayer is no part of the king's goods, may ſatisfy their own eyes at leiſure, in the 3d book of ſir Philip's Arcadia, p. 248, comparing Pamela's prayer with the firſt prayer of his majeſty, delivered to Dr. Juxton immediately before his death, and entitled a Prayer in time of Captivity, printed in all the beſt editions of his book. And ſince there be a crew of lurking railers, who in their libels, and their fits of railing up and down, as I hear from others, take it ſo curriſhly, that I ſhould dare to tell abroad the ſecrets of their Ægyptian Apis; to gratify their gall in ſome meaſure yet more, which to them will be a kind of alms, (for it is the weekly vomit of their gall which to moſt of them is the ſole means of their feeding) that they may not ſtarve for me, I ſhall gorge them once more with this digreſſion ſomewhat larger than before: nothing troubled or offended at the working upward of their ſale-venom thereupon, though it happen to aſperſe me; being, it ſeems, their beſt livelihood, and the only uſe or good digeſtion that their ſick and periſhing minds can make of truth charitably told them. However, to the benefit of

* The ſecond edition for woman, has fiction.

others

others much more worth the gaining, I ſhall proceed in my aſſertion; that if only but to taſte wittingly of meat or drink offered to an idol, be in the doctrine of St. Paul judged a pollution, much more muſt be his ſin, who takes a prayer ſo dedicated into his mouth, and offers it to God. Yet hardly it can be thought upon (though how ſad a thing!) without ſome kind of laughter at the manner and ſolemn tranſaction of ſo groſs a coſenage, that he, who had trampled over us ſo ſtately and ſo tragically, ſhould leave the world at laſt ſo ridiculouſly in his exit, as to bequeath among his deifying friends that ſtood about him ſuch a precious piece of mockery to be publiſhed by them, as muſt needs cover both his and their heads with ſhame, if they have any left. Certainly they that will may now ſee at length how much they were deceived in him, and were ever like to be hereafter, who cared not, ſo near the minute of his death, to deceive his beſt and deareſt friends with the trumpery of ſuch a prayer, not more ſecretly than ſhamefully purloined; yet given them as the royal iſſue of his own proper zeal. And ſure it was the hand of God to let them fall; and be taken in ſuch a fooliſh trap, as hath expoſed them to all deriſion; if for nothing elſe, to throw contempt and diſgrace in the ſight of all men, upon this his idolized book, and the whole roſary of his prayers; thereby teſtifying how little he accepted them from thoſe, who thought no better of the living God than of a buzzard idol, fit to be ſo ſerved and worſhipped in reverſion, with the polluted orts and refuſe of Arcadias and romances, without being able to diſcern the affront rather than the worſhip of ſuch an ethnic prayer. But leaving what might juſtly be offenſive to God, it was a treſpaſs alſo more than uſual againſt human right, which commands, that every author ſhould have the property of his own work reſerved to him after death, as well as living. Many princes have been rigorous in laying taxes on their ſubjects by the head, but of any king heretofore that made a levy upon their wit, and ſeized it as his own legitimate, I have not whom beſide to inſtance. True it is, I looked rather to have found him gleaning out of books written purpoſely to help devotion. And if in likelihood he have borrowed much more

more out of prayerbooks than out of paſtorals, then are theſe painted feathers, that ſet him off ſo gay among the people, to be thought few or none of them his own. But if from his divines he have borrowed nothing, nothing out of all the magazine, and the rheum of their mellifluous prayers and meditations, let them who now mourn for him as for Tamuz, them who howl in their pulpits, and by their howling declare themſelves right wolves, remember and conſider in the midſt of their hideous faces, when they do only not cut their fleſh for him like thoſe rueful prieſts whom Elijah mocked; that he who was once their Ahab, now their Joſiah, though feigning outwardly to reverence churchmen, yet here hath ſo extremely ſet at naught both them and their praying faculty, that being at a loſs himſelf what to pray in captivity, he conſulted neither with the liturgy, nor with the directory, but neglecting the huge fardell of all their honeycomb devotions, went directly where he doubted not to find better praying to his mind with Pamela, in the Counteſs's Arcadia. What greater argument of diſgrace and ignominy could have been thrown with cunning upon the whole clergy, than that the king, among all his prieſtery, and all thoſe numberleſs volumes of their theological diſtillations, not meeting with one man or book of that coat that could befriend him with a prayer in captivity, was forced to rob ſir Philip and his captive ſhepherdeſs of their heathen oriſons, to ſupply in any faſhion his miſerable indigence, not of bread, but of a ſingle prayer to God? I ſay therefore not of bread, for that want may befal a good man, and yet not make him totally miſerable: but he who wants a prayer to beſeech God in his neceſſity, it is inexpreſſible how poor he is; far poorer within himſelf than all his enemies can make him. And the unfitneſs, the indecency of that pitiful ſupply which he ſought, expreſſes yet further the deepneſs of his poverty.

Thus much be ſaid in general to his prayers, and in ſpecial to that Arcadian prayer uſed in his captivity; enough to undeceive us what eſteem we are to ſet upon the reſt.

For he certainly, whoſe mind could ſerve him to ſeek a chriſtian

a chriſtian prayer out of a pagan legend, and aſſume it for his own, might gather up the reſt God knows from whence; one perhaps out of the French Aſtræa, another out of the Spaniſh Diana; Amadis and Palmerin could hardly ſcape him. Such a perſon we may be ſure had it not in him to make a prayer of his own, or at leaſt would excuſe himſelf the pains and coſt of his invention ſo long as ſuch ſweet rhapſodies of heatheniſm and knight-errantry could yield him prayers. How diſhonourable then, and how unworthy of a chriſtian king, were theſe ignoble ſhifts to ſeem holy, and to get a ſainthip among the ignorant and wretched people; to draw them by this deception, worſe than all his former injuries, to go a whoring after him? And how unhappy, how forſook of grace, and unbeloved of God that people, who reſolve to know no more of piety or of goodneſs, than to account him their chief ſaint and martyr, whoſe bankrupt devotion came not honeſtly by his very prayers; but having ſharked them from the mouth of a heathen worſhipper, (deteſtable to teach him prayers!) ſold them to thoſe that ſtood and honoured him next to the Meſſiah, as his own heavenly compoſitions in adverſity, for hopes no leſs vain and preſumptuous (and death at that time ſo imminent upon him) than by theſe goodly relics to be held a ſaint and martyr in opinion with the cheated people!

And thus far in the whole chapter we have ſeen and conſidered, and it cannot but be clear to all men, how, and for what ends, what concernments and neceſſities, the late king was no way induced, but every way conſtrained to call this laſt parliament; yet here in his firſt prayer he trembles not to avouch as in the ears of God, "That he did it with an upright intention to his glory, and his people's good:" of which dreadful atteſtation, how ſincerely meant, God, to whom it was avowed, can only judge; and he hath judged already, and hath written his impartial ſentence in characters legible to all Chriſtendom; and beſides hath taught us, that there be ſome, whom he hath given over to deluſion, whoſe very mind and conſcience is defiled; of whom St. Paul to Titus makes mention.

II. Upon

II. Upon the Earl of Strafford's Death.

THIS next chapter is a penitent confeſſion of the king, and the ſtrangeſt, if it be well weighed, that ever was auricular. For he repents here of giving his conſent, though moſt unwillingly, to the moſt ſeaſonable and ſolemn piece of juſtice, that had been done of many years in the land: but his ſole conſcience thought the contrary. And thus was the welfare, the ſafety, and within a little, the unanimous demand of three populous nations, to have attended ſtill on the ſingularity of one man's opinionated conſcience; if men had always been ſo tame and ſpiritleſs, and had not unexpectedly found the grace to underſtand, that, if his conſcience were ſo narrow and peculiar to itſelf, it was not fit his authority ſhould be ſo ample and univerſal over others: for certainly a private conſcience ſorts not with a public calling, but declares that perſon rather meant by nature for a private fortune. And this alſo we may take for truth, that he, whoſe conſcience thinks it ſin to put to death a capital offender, will as oft think it meritorious to kill a righteous perſon. But let us hear what the ſin was, that lay ſo ſore upon him; and, as one of his prayers given to Dr. Juxton teſtifies, to the very day of his death, it was his ſigning the bill of Strafford's execution: a man whom all men looked upon as one of the boldeſt and moſt impetuous inſtruments that the king had, to advance any violent or illegal deſign. He had ruled Ireland, and ſome parts of England, in an arbitrary manner; had endeavoured to ſubvert fundamental laws, to ſubvert parliaments; and to incenſe the king againſt them; he had alſo endeavoured to make hoſtility between England and Scotland: he had counſelled the king, to call over that Iriſh army of papiſts, which he had cunningly raiſed, to reduce England, as appeared by good teſtimony then preſent at the conſultation: for which, and many other crimes alleged and proved againſt him in twenty-eight articles, he was condemned of high treaſon by the parliament. The commons by far the greater number caſt him: the lords, after they had been ſatisfied in a full

diſcourſe by the king's ſolicitor, and the opinions of many judges delivered in their houſe, agreed likewiſe to the ſentence of treaſon. The people univerſally cried out for juſtice. None were his friends but courtiers and clergymen, the worſt at that time, and moſt corrupted ſort of men; and court ladies, not the beſt of women; who, when they grow to that inſolence as to appear active in ſtate-affairs, are the certain ſign of a diſſolute, degenerate, and puſillanimous commonwealth. Laſt of all the king, or rather firſt, for theſe were but his apes, was not ſatisfied in conſcience to condemn him of high treaſon; and declared to both houſes, "that no fears or reſpects whatſoever ſhould make him alter that reſolution founded upon his conſcience:" either then his reſolution was indeed not founded upon his conſcience, or his conſcience received better information, or elſe both his conſcience and this his ſtrong reſolution ſtrook ſail, notwithſtanding theſe glorious words, to his ſtronger fear: for within a few days after, when the judges at a privy council and four of his elected biſhops had picked the thorn out of his conſcience, he was at length perſuaded to ſign the bill for Strafford's execution. And yet perhaps, that it wrung his conſcience to condemn the earl of high treaſon is not unlikely; not becauſe he thought him guiltleſs of higheſt treaſon, had half thoſe crimes been committed againſt his own private intereſt or perſon, as appeared plainly by his charge againſt the ſix members; but becauſe he knew himſelf a principal in what the earl was but his acceſſory, and thought nothing treaſon againſt the commonwealth, but againſt himſelf only.

Had he really ſcrupled to ſentence that for treaſon, which he thought not treaſonable, why did he ſeem reſolved by the judges and the biſhops? and if by them reſolved, how comes the ſcruple here again? It was not then, as he now pretends, "the importunities of ſome, and the fear of many," which made him ſign, but the ſatisfaction given him by thoſe judges and ghoſtly fathers of his own chooſing. Which of him ſhall we believe? for he ſeems not one, but double; either here we muſt not believe him profeſſing that his ſatisfaction was but ſeemingly received and out of fear, or elſe we may as well

well believe that the ſcruple was no real ſcruple, as we can believe him here againſt himſelf before, that the ſatisfaction then received was no real ſatisfaction. Of ſuch a variable and fleeting conſcience what hold can be taken? But that indeed it was a facil conſcience, and could diſſemble ſatisfaction when it pleaſed, his own enſuing actions declared; being ſoon after found to have the chief hand in a moſt deteſted conſpiracy againſt the parliament and kingdom, as by letters and examinations of Percy, Goring, and other conſpirators came to light; that his intention was to reſcue the earl of Strafford, by ſeizing on the Tower of London; to bring up the Engliſh army out of the North, joined with eight thouſand Iriſh papiſts raiſed by Strafford, and a French army to be landed at Portſmouth againſt the parliament and their friends. For which purpoſe the king, though requeſted by both houſes to diſband thoſe Iriſh papiſts, refuſed to do it, and kept them ſtill in arms to his own purpoſes. No marvel then, if, being as deeply criminous as the earl himſelf, it ſtung his conſcience to adjudge to death thoſe miſdeeds, whereof himſelf had been the chief author: no marvel though inſtead of blaming and deteſting his ambition, his evil counſel, his violence, and oppreſſion of the people, he fall to praiſe his great abilities; and with ſcholaſtic flouriſhes beneath the decency of a king, compares him to the Sun, which in all figurative uſe and ſignificance bears alluſion to a king, not to a ſubject: no marvel though he knit contradictions as cloſe as words can lie together, "not approving in his judgment," and yet approving in his ſubſequent reaſon all that Strafford did, as "driven by the neceſſity of times, and the temper of that people;" for this excuſes all his miſdemeanors. Laſtly, no marvel that he goes on building many fair and pious concluſions upon falſe and wicked premiſes, which deceive the common reader, not well diſcerning the antipathy of ſuch connexions: but this is the marvel, and may be the aſtoniſhment of all that have a conſcience, how he durſt in the ſight of God (and with the ſame words of contrition wherewith David repents the murdering of Uriah) repent his lawful compliance to that juſt act of not ſaving him, whom he ought to have delivered

delivered up to ſpeedy puniſhment; though himſelf the guiltier of the two. If the deed were ſo ſinful, to have put to death ſo great a maleſactor, it would have taken much doubtleſs from the heavineſs of his ſin, to have told God in his confeſſion, how he laboured, what dark plots he had contrived, into what a league entered, and with what conſpirators againſt his parliament and kingdoms, to have reſcued from the claim of juſtice ſo notable and ſo dear an inſtrument of tyranny; which would have been a ſtory, no doubt, as pleaſing in the ears of Heaven, as all theſe equivocal repentances. For it was fear, and nothing elſe, which made him feign before both the ſcruple and the ſatisfaction of his conſcience, that is to ſay, of his mind: his firſt fear pretended conſcience, that he might be borne with to refuſe ſigning; his latter fear, being more urgent, made him find a conſcience both to ſign, and to be ſatisfied. As for repentance, it came not on him till a long time after; when he ſaw "he could have ſuffered nothing more, though he had denied that bill." For how could he underſtandingly repent of letting that be treaſon, which the parliament and whole nation ſo judged? This was that which repented him, to have given up to juſt puniſhment ſo ſtout a champion of his deſigns, who might have been ſo uſeful to him in his following civil broils. It was a worldly repentance, not a conſcientious; or elſe it was a ſtrange tyranny, which his conſcience had got over him, to vex him like an evil ſpirit for doing one act of juſtice, and by that means to "fortify his reſolution" from ever doing ſo any more. That mind muſt needs be irrecoverably depraved, which, either by chance or importunity taſting but once of one juſt deed, ſpatters at it, and abhors the reliſh ever after. To the ſcribes and phariſees wo was denounced by our Saviour, for ſtraining at a gnat and ſwallowing a camel, though a gnat were to be ſtrained at: but to a conſcience with whom one good deed is ſo hard to paſs down as to endanger almoſt a choking, and bad deeds without number, though as big and bulky as the ruin of three kingdoms, go down currently without ſtraining, certainly a far greater wo appertains. If his conſcience were come to that unnatural dyſcraſy, as to digeſt poiſon

and

and to keck at wholeſome food, it was not for the parliament, or any of his kingdoms, to feed with him any longer. Which to conceal he would perſuade us, that the parliament alſo in their conſcience eſcaped not "ſome touches of remorſe" for putting Strafford todeath, in forbidding it by an after-act to be a precedent for the future. But, in a fairer conſtruction, that act implied rather a deſire in them to pacify the king's mind, whom they perceived by this means quite alienated: in the mean while not imagining that this after-act ſhould be retorted on them to tie up juſtice for the time to come upon like occaſion, whether this were made a precedent or not, no more than the want of ſuch a precedent, if it had been wanting, had been available to hinder this.

But how likely is it, that this after-act argued in the parliament their leaſt repenting for the death of Strafford, when it argued ſo little in the king himſelf: who, notwithſtanding this after-act, which had his own hand and concurrence, if not his own inſtigation, within the ſame year accuſed of high treaſon no leſs than ſix members at once for the ſame pretended crimes, which his conſcience would not yield to think treaſonable in the earl: ſo that this his ſubtle argument to faſten a repenting, and by that means a guiltineſs of Strafford's death upon the parliament, concludes upon his own head; and ſhows us plainly, that either nothing in his judgment was treaſon againſt the commonwealth, but only againſt the king's perſon; (a tyrannical principle!) or that his conſcience was a perverſe and prevaricating conſcience to ſcruple that the commonwealth ſhould puniſh for treaſonous in one eminent offender that which he himſelf ſought ſo vehemently to have puniſhed in ſix guiltleſs perſons. If this were "that touch of conſcience, which he bore with greater regret" than for any ſin committed in his life, whether it were that proditory aid ſent to Rochel and religion abroad, or that prodigality of ſhedding blood at home, to a million of his ſubjects lives not valued in compariſon of one Strafford; we may conſider yet at laſt, what true ſenſe and feeling could be in that conſcience, and what fitneſs to be the maſter conſcience of three kingdoms.

But

But the reaſon why he labours, that we ſhould take notice of ſo much "tenderneſs and regret in his ſoul for having any hand in Strafford's death," is worth the marking ere we conclude: "he hoped it would be ſome evidence before God and man to all poſterity, that he was far from bearing that vaſt load and guilt of blood" laid upon him by others: which hath the likeneſs of a ſubtle diſſimulation; bewailing the blood of one man, his commodious inſtrument, put to death moſt juſtly, though by him unwillingly, that we might think him too tender to ſhed willingly the blood of thoſe thouſands whom he counted rebels. And thus by dipping voluntarily his finger's end, yet with ſhow of great remorſe, in the blood of Strafford, whereof all men clear him, he thinks to ſcape that ſea of innocent blood, wherein his own guilt inevitably hath plunged him all over. And we may well perceive to what eaſy ſatisfactions and purgations he had inured his ſecret conſcience, who thought by ſuch weak policies and oſtentations as theſe, to gain belief and abſolution from underſtanding men.

III. *Upon his going to the Houſe of Commons.*

CONCERNING his unexcuſable and hoſtile march from the court to the houſe of commons, there needs not much be ſaid; for he confeſſes it to be an act, which moſt men, whom he calls "his enemies," cried ſhame upon, "indifferent men grew jealous of and fearful, and many of his friends reſented, as a motion ariſing rather from paſſion than reaſon:" he himſelf, in one of his anſwers to both houſes, made profeſſion to be convinced, that it was a plain breach of their privilege; yet here, like a rotten building newly trimmed over, he repreſents it ſpecioufly and fraudulently, to impoſe upon the ſimple reader; and ſeeks by ſmooth and ſupple words not here only, but through his whole book, to make ſome beneficial uſe or other even of his worſt miſcarriages.

"Theſe men," ſaith he, meaning his friends, "knew not the juſt motives and pregnant grounds with which I thought myſelf furniſhed;" to wit, againſt the five members, whom he came to drag out of the houſe. His beſt

friends indeed knew not, nor could ever know his motives to ſuch a riotous act; and had he himſelf known any juſt grounds, he was not ignorant how much it might have tended to his juſtifying, had he named them in this place, and not concealed them. But ſuppoſe them real, ſuppoſe them known, what was this to that violation and diſhonour put upon the whole houſe, whoſe very door forcibly kept open, and all the paſſages near it, he beſet with ſwords and piſtols cocked and menaced in the hands of about three hundred ſwaggerers and ruffians, who but expected, nay audibly called for, the word of onſet to begin a ſlaughter?

"He had diſcovered, as he thought, unlawful correſpondences, which they had uſed, and engagements to embroil his kingdoms;" and remembers not his own unlawful correſpondences and conſpiracies with the Iriſh army of papiſts, with the French to land at Portſmouth, and his tampering both with the Engliſh and Scots army to come up againſt the parliament: the leaſt of which attempts, by whomſoever, was no leſs than manifeſt treaſon againſt the commonwealth.

If to demand juſtice on the five members were his plea, for that which they with more reaſon might have demanded juſtice upon him (I uſe his own argument) there needed not ſo rough aſſiſtance. If he had "reſolved to bear that repulſe with patience," which his queen by her words to him at his return little thought he would have done, wherefore did he provide againſt it with ſuch an armed and unuſual force? but his heart ſerved him not to undergo the hazard, that ſuch a deſperate ſcuffle would have brought him to. But wherefore did he go at all, it behoving him to know there were two ſtatutes, that declared he ought firſt to have acquainted the parliament, who were the accuſers, which he refuſed to do, though ſtill profeſſing to govern by law, and ſtill juſtifying his attempts againſt law? And when he ſaw it was not permitted him to attaint them but by a fair trial, as was offered him from time to time, for want of juſt matter which yet never came to light, he let the buſineſs fall of his own accord; and all thoſe pregnancies and juſt motives came to juſt nothing.

"He

"He had no temptation of diſpleaſure or revenge againſt thoſe men:" none but what he thirſted to execute upon them, for the conſtant oppoſition which they made againſt his tyrannous proceedings, and the love and reputation which they therefore had among the people; but moſt immediately, for that they were ſuppoſed the chief, by whoſe activity thoſe twelve proteſting biſhops were but a week before committed to the Tower.

"He miſſed but little to have produced writings under ſome men's own hands." But yet he miſſed, though their chambers, trunks, and ſtudies were ſealed up and ſearched; yet not found guilty. "Providence would not have it ſo." Good Providence! that curbs the raging of proud monarchs, as well as of mad multitudes. "Yet he wanted not ſuch probabilities" (for his pregnant is come now to probable) "as were ſufficient to raiſe jealouſies in any king's heart:" and thus his pregnant motives are at laſt proved nothing but a tympany, or a queen Mary's cuſhion; for in any king's heart, as kings go now, what ſhadowy conceit or groundleſs toy will not create a jealouſy?

"That he had deſigned to aſſault the houſe of commons," taking God to witneſs, he utterly denies; yet in his anſwer to the city, maintains that "any courſe of violence had been very juſtifiable." And we may then gueſs how far it was from his deſign: however, it diſcovered in him an exceſſive eagerneſs to be avenged on them that croſſed him; and that to have his will, he ſtood not to do things never ſo much below him. What a becoming ſight it was, to ſee the king of England one while in the houſe of commons, and by and by in the Guildhall among the liveries and manufacturers, proſecuting ſo greedily the track of five or ſix fled ſubjects; himſelf not the ſolicitor only, but the purſuivant and the apparitor of his own partial cauſe! And although in his anſwers to the parliament, he hath confeſſed, firſt that his manner of proſecution was illegal, next "that as he once conceived he had ground enough to accuſe them, ſo at length that he found as good cauſe to deſert any proſecution of them;" yet here he ſeems to reverſe all, and againſt promiſe takes up his old deſerted accuſation, that

he might have ſomething to excuſe himſelf, inſtead of giving due reparation, which he always refuſed to give them whom he had ſo diſhonoured.

"That I went," ſaith he of his going to the houſe of commons, "attended with ſome gentlemen;" gentlemen indeed! the ragged infantry of ſtews, and brothels; the ſpawn and ſhipwreck of taverns and dicing-houſes: and then he pleads, "it was no unwonted thing for the majeſty and ſafety of a king to be ſo attended, eſpecially in diſcontented times." An illuſtrious majeſty no doubt, ſo attended! a becoming ſafety for the king of England, placed in the fidelity of ſuch guards and champions! happy times, when braves and hackſters, the only contented members of his government, were thought the fitteſt and the faithfulleſt to defend his perſon againſt the diſcontents of a parliament and all good men! Were thoſe the choſen ones to "preſerve reverence to him," while he entered "unaſſured," and full of ſuſpicions, into his great and faithful counſel? Let God then and the world judge, whether the cauſe were not in his own guilty and unwarrantable doings: the houſe of commons, upon ſeveral examinations of this buſineſs, declared it ſufficiently proved, that the coming of thoſe ſoldiers, papiſts, and others, with the king, was to take away ſome of their members, and in caſe of oppoſition or denial, to have fallen upon the houſe in a hoſtile manner. This the king here denies; adding a fearful imprecation againſt his own life, "if he purpoſed any violence or oppreſſion againſt the innocent, then," ſaith he, "let the enemy perſecute my ſoul, and tread my life to the ground, and lay my honour in the duſt." What need then more diſputing? He appealed to God's tribunal, and behold! God hath judged and done to him in the ſight of all men according to the verdict of his own mouth: to be a warning to all kings hereafter how they uſe preſumptuouſly the words and proteſtations of David, without the ſpirit and conſcience of David. And the king's admirers may here ſee their madneſs, to miſtake this book for a monument of his worth and wiſdom, whenas indeed it is his doomſday-book; not like that of William the Norman his predeceſſor, but the record and memorial

of

of his condemnation; and diſcovers whatever hath befallen him, to have been haſtened on from divine juſtice by the raſh and inconſiderate appeal of his own lips. But what evaſions, what pretences, though never ſo unjuſt and empty, will he refuſe in matters more unknown, and more involved in the miſts and intricacies of ſtate, who, rather than not juſtify himſelf in a thing ſo generally odious, can flatter his integrity with ſuch frivolous excuſes againſt the manifeſt diſſent of all men, whether enemies, neuters, or friends? But God and his judgments have not been mocked; and good men may well perceive what a diſtance there was ever like to be between him and his parliament, and perhaps between him and all amendment, who for one good deed, though but conſented to, aſks God forgiveneſs; and from his worſt deeds done, takes occaſion to inſiſt upon his righteouſneſs!

IV. *Upon the Inſolency of the Tumults.*

WE have here, I muſt confeſs, a neat and well-couched invective againſt tumults, expreſſing a true fear of them in the author; but yet ſo handſomely compoſed, and withal ſo feelingly, that, to make a royal compariſon, I believe Rehoboam the ſon of Solomon could not have compoſed it better. Yet Rehoboam had more cauſe to inveigh againſt them; for they had ſtoned his tribute gatherer, and perhaps had as little ſpared his own perſon, had he not with all ſpeed betaken him to his chariot. But this king hath ſtood the worſt of them in his own houſe without danger, when his coach and horſes, in a panic fear, have been to ſeek: which argues, that the tumults at Whitehall were nothing ſo dangerous as thoſe at Sechem.

But the matter here conſiderable is not whether the king, or his houſehold rhetorician have made a pithy declamation againſt tumults, but firſt whether theſe were tumults or not: next, if they were, whether the king himſelf did not cauſe them. Let us examine therefore how things at that time ſtood. The king, as before hath been proved, having both called this parliament unwillingly, and as unwillingly from time to time condeſcended

to their ſeveral acts, carrying on a disjoint and private intereſt of his own, and not enduring to be ſo croſſed and overſwayed, eſpecially in the executing of his chief and boldeſt inſtrument, the deputy of Ireland, firſt tempts the Engliſh army, with no leſs reward than the ſpoil of London, to come up and deſtroy the parliament. That being diſcovered by ſome of the officers, who, though bad enough, yet abhorred ſo foul a deed; the king, hardened in his purpoſe, tempts them the ſecond time at Burrowbridge, promiſes to pawn his jewels for them, and that they ſhould be met and aſſiſted (would they but march on) with a groſs body of horſe under the earl of Newcaſtle. He tempts them yet the third time, though after diſcovery, and his own abjuration to have ever tempted them, as is affirmed in the declaration of "No more addreſſes." Neither this ſucceeding, he turns him next to the Scotch army, and by his own credential letters given to O Neal and ſir John Henderſon, baits his temptation with a richer reward; not only to have the ſacking of London, but four northern counties to be made Scottiſh, with jewels of great value to be given in pawn the while. But neither would the Scots, for any promiſe of reward, be brought to ſuch an execrable and odious treachery: but with much honeſty gave notice of the king's deſign both to the parliament and city of London. The parliament moreover had intelligence, and the people could not but diſcern, that there was a bitter and malignant party grown up now to ſuch a boldneſs, as to give out inſolent and threatening ſpeeches againſt the parliament itſelf. Beſides this, the rebellion in Ireland was now broke out; and a conſpiracy in Scotland had been made, while the king was there, againſt ſome chief members of that parliament; great numbers here of unknown and ſuſpicious perſons reſorted to the city. The king, being returned from Scotland, preſently diſmiſſes that guard, which the parliament thought neceſſary in the midſt of ſo many dangers to have about them, and puts another guard in their place, contrary to the privilege of that high court, and by ſuch a one commanded, as made them no leſs doubtful of the guard itſelf. Which they therefore, upon ſome ill effects thereof

firſt

firſt found, diſcharge; deeming it more ſafe to ſit free, though without a guard, in open danger, than encloſed with a ſuſpected ſafety. The people therefore, left their worthieſt and moſt faithful patriots, who had expoſed themſelves for the public, and whom they ſaw now left naked, ſhould want aid, or be deſerted in the midſt of theſe dangers, came in multitudes, though unarmed, to witneſs their fidelity and readineſs in caſe of any violence offered to the parliament. The king, both envying to ſee the people's love thus devolved on another object, and doubting leſt it might utterly diſable him to do with parliaments as he was wont, ſent a meſſage into the city forbidding ſuch reſorts. The parliament alſo, both by what was diſcovered to them, and what they ſaw in a malignant party (ſome of which had already drawn blood in a fray or two at the court-gate, and even at their own gate in Weſtminſter-hall) conceiving themſelves to be ſtill in danger where they ſate, ſent a moſt reaſonable and juſt petition to the king, that a guard might be allowed them out of the city, whereof the king's own chamberlain, the earl of Eſſex, might have command; it being the right of inferior courts to make choice of their own guard. This the king refuſed to do, and why he refuſed the very next day made manifeſt: for on that day it was that he ſallied out from Whitehall, with thoſe truſty myrmidons, to block up, or give aſſault to the houſe of commons. He had, beſides all this, begun to fortify his court, and entertained armed men not a few; who, ſtanding at his palace gate, reviled and with drawn ſwords wounded many of the people, as they went by unarmed, and in a peaceable manner, whereof ſome died. The paſſing by of a multitude, though neither to St. George's feaſt, nor to a tilting, certainly of itſelf was no tumult; the expreſſion of their loyalty and ſteadfaſtneſs to the parliament, whoſe lives and ſafeties by more than ſlight rumours they doubted to be in danger, was no tumult. If it grew to be ſo, the cauſe was in the king himſelf and his injurious retinue, who both by hoſtile preparations in the court, and by actual aſſailing of the people, gave them juſt cauſe to defend themſelves.

Surely thoſe unarmed and petitioning people needed

not have been ſo formidable to any, but to ſuch whoſe conſciences miſgave them how ill they had deſerved of the people; and firſt began to injure them, becauſe they juſtly feared it from them; and then aſcribe that to popular tumult, which was occaſioned by their own provoking.

And that the king was ſo emphatical and elaborate on this theme againſt tumults, and expreſſed with ſuch a vehemence his hatred of them, will redound leſs perhaps than he was aware to the commendation of his government. For beſides that in good governments they happen ſeldomeſt, and riſe not without cauſe, if they prove extreme and pernicious, they were never counted ſo to monarchy, but to monarchical tyranny; and extremes one with another are at moſt antipathy. If then the king ſo extremely ſtood in fear of tumults, the inference will endanger him to be the other extreme. Thus far the occaſion of this diſcourſe againſt tumults: now to the diſcourſe itſelf, voluble enough, and full of ſentence, but that, for the moſt part, either ſpecious rather than ſolid, or to his cauſe nothing pertinent.

"He never thought any thing more to preſage the miſchiefs that enſued, than thoſe tumults." Then was his foreſight but ſhort, and much miſtaken. Thoſe tumults were but the mild effects of an evil and injurious reign; not ſigns of miſchiefs to come, but ſeeking relief for miſchiefs paſt: thoſe ſigns were to be read more apparent in his rage and purpoſed revenge of thoſe free expoſtulations and clamours of the people againſt his lawleſs government. "Not any thing," ſaith he, "portends more God's diſpleaſure againſt a nation, than when he ſuffers the clamours of the vulgar to paſs all bounds of law and reverence to authority." It portends rather his diſpleaſure againſt a tyrannous king, whoſe proud throne he intends to overturn by that contemptible vulgar; the ſad cries and oppreſſions of whom his royalty regarded not. As for that ſupplicating people, they did no hurt either to law or authority, but ſtood for it rather in the parliament againſt whom they feared would violate it.

"That they invaded the honour and freedom of the

two houſes," is his own officious accuſation, not ſeconded by the parliament, who, had they ſeen cauſe, were themſelves beſt able to complain. And if they "ſhook and menaced" any, they were ſuch as had more relation to the court than to the commonwealth; enemies, not patrons of the people. But if their petitioning unarmed were an invaſion of both houſes, what was his entrance into the houſe of commons, beſetting it with armed men? In what condition then was the honour and freedom of that houſe?

"They forebore not rude deportments, contemptuous words and actions to himſelf and his court."

It was more wonder, having heard what treacherous hoſtility he had deſigned againſt the city and his whole kingdom, that they forebore to handle him as people in their rage have handled tyrants heretofore for leſs offences.

"They were not a ſhort ague, but a fierce quotidian fever." He indeed may beſt ſay it, who moſt felt it; for the ſhaking was within him, and it ſhook him by his own deſcription "worſe than a ſtorm, worſe than an earthquake;" Belſhazzar's palſy. Had not worſe fears, terrours, and envies made within him that commotion, how could a multitude of his ſubjects, armed with no other weapon than petitions, have ſhaken all his joints with ſuch a terrible ague? Yet that the parliament ſhould entertain the leaſt fear of bad intentions from him or his party, he endures not; but would perſuade us, that "men ſcare themſelves and others without cauſe:" for he thought fear would be to them a kind of armour, and his deſign was, if it were poſſible, to diſarm all, eſpecially of a wiſe fear and ſuſpicion; for that he knew would find weapons.

He goes on therefore with vehemence, to repeat the miſchiefs done by theſe tumults. "They firſt petitioned, then proteſted; dictate next, and laſtly overawe the parliament. They removed obſtructions, they purged the houſes, caſt out rotten members." If there were a man of iron, ſuch as Talus, by our poet Spencer, is feigned to be, the page of juſtice, who with his iron flail could do all this, and expeditiouſly, without thoſe deceitful forms

forms and circumſtances of law, worſe than ceremonies in religion; I ſay, God ſend it done, whether by one Talus, or by a thouſand.

" But they ſubdued the men of conſcience in parliament, backed and abetted all ſeditious and ſchiſmatical propoſals againſt government eccleſiaſtical and civil."

Now we may perceive the root of his hatred, whence it ſprings. It was not the king's grace or princely goodneſs, but this iron flail, the people, that drove the biſhops out of their baronies, out of their cathedrals, out of the lords' houſe, out of their copes and ſurplices, and all thoſe papiſtical innovations, threw down the high-commiſſion and ſtar-chamber, gave us a triennial parliament, and what we moſt deſired; in revenge whereof he now ſo bitterly inveighs againſt them; theſe are thoſe ſeditious and ſchiſmatical propoſals then by him condeſcended to as acts of grace, now of another name; which declares him, touching matters of church and ſtate, to have been no other man in the deepeſt of his ſolitude, than he was before at the higheſt of his ſovereignty.

But this was not the worſt of theſe tumults, they played the haſty " midwives, and would not ſtay the ripening, but went ſtraight to ripping up, and forcibly cut out abortive votes."

They would not ſtay perhaps the Spaniſh demurring, and putting off ſuch wholeſome acts and counſels, as the politic cabinet at Whitehall had no mind to. But all this is complained here as done to the parliament, and yet we heard not the parliament at that time complain of any violence from the people, but from him. Wherefore intrudes he to plead the cauſe of parliament againſt the people, while the parliament was pleading their own cauſe againſt him; and againſt him were forced to ſeek refuge of the people? It is plain then, that thoſe confluxes and reſorts interrupted not the parliament, nor by them were thought tumultuous, but by him only and his court faction.

" But what good man had not rather want any thing he moſt deſired for the public good, than attain it by ſuch unlawful and irreligious means?" As much as to ſay, had not rather ſit ſtill, and let his country be tyrannized, than

that the people, finding no other remedy, ſhould ſtand up like men, and demand their rights and liberties. This is the artificialeſt piece of fineſſe to perſuade men into ſlavery that the wit of court could have invented. But hear how much better the moral of this leſſon would beſit the teacher. What good man had not rather want a boundleſs and arbitrary power, and thoſe fine flowers of the crown, called prerogatives, than for them to uſe force and perpetual vexation to his faithful ſubjects, nay to wade for them through blood and civil war? So that this and the whole bundle of thoſe following ſentences may be applied better to the convincement of his own violent courſes, than of thoſe pretended tumults.

"Who were the chief demagogues to ſend for thoſe tumults, ſome alive are not ignorant." Setting aſide the affrightment of this goblin word; for the king, by his leave, cannot coin Engliſh, as he could money, to be current (and it is believed this wording was above his known ſtyle and orthography, and accuſes the whole compoſure to be conſcious of ſome other author) yet if the people were ſent for, emboldened and directed by thoſe demagogues, who, ſaving his Greek, were good patriots, and by his own confeſſion "men of ſome repute for parts and piety," it helps well to aſſure us there was both urgent cauſe, and the leſs danger of their coming.

"Complaints were made, yet no redreſs could be obtained." The parliament alſo complained of what danger they ſate in from another party, and demanded of him a guard, but it was not granted. What marvel then if it cheared them to ſee ſome ſtore of their friends, and in the Roman, not the pettifogging ſenſe, their clients ſo near about them; a defence due by nature both from whom it was offered, and to whom, as due as to their parents; though the court ſtormed and fretted to ſee ſuch honour given to them, who were then beſt fathers of the commonwealth. And both the parliament and people complained, and demanded juſtice for thoſe aſſaults, if not murders, done at his own doors by that crew of rufflers; but he, inſtead of doing juſtice on them, juſtified and abetted them in what they did, as in his public anſwer to a petition from the city may be read. Neither

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is it ſlightly to be paſſed over, that in the very place where blood was firſt drawn in this cauſe, at the beginning of all that followed, there was his own blood ſhed by the executioner: according to that ſentence of divine juſtice, "in the place where dogs licked the blood of Naboth, ſhall dogs lick thy blood, even thine."

From hence he takes occaſion to excuſe that improvident and fatal errour of his abſenting from the parliament. "When he found that no declaration of the biſhops could take place againſt thoſe tumults." Was that worth his conſidering, that fooliſh and ſelf-undoing declaration of twelve cipher biſhops, who were immediately appeached of treaſon for that audacious declaring? The biſhops peradventure were now and then pulled by the rochets, and deſerved another kind of pulling; but what amounted this to "the fear of his own perſon in the ſtreets?" Did he not the very next day after his irruption into the houſe of commons, than which nothing had more exaſperated the people, go in his coach unguarded into the city? Did he receive the leaſt affront, much leſs violence, in any of the ſtreets, but rather humble demeanors and ſupplications? Hence may be gathered, that however in his own guiltineſs he might have juſtly feared, yet that he knew the people ſo full of awe and reverence to his perſon, as to dare commit himſelf ſingle among the thickeſt of them, at a time when he had moſt provoked them. Beſides, in Scotland they had handled the biſhops in a more robuſtious manner; Edinburgh had been full of tumults, two armies from thence had entered England againſt him: yet after all this he was not fearful, but very forward to take ſo long a journey to Edinburgh; which argues firſt, as did alſo his rendition afterward to the Scots army, that to England he continued ſtill, as he was indeed, a ſtranger, and full of diffidence; to the Scots only a native king, in his confidence; though not in his dealing towards them. It ſhows us next beyond doubting, that all this his fear of tumults was but a mere colour and occaſion taken of his reſolved abſence from the parliament, for ſome other end not difficult to be gueſſed. And thoſe inſtances wherein valour is not to be queſtioned for not "ſcuffling with the

ſea,

ſea, or an undiſciplined rabble," are but ſubſervient to carry on the ſolemn jeſt of his fearing tumults; if they diſcover not withal the true reaſon why he departed, only to turn his flaſhing at the court-gate to ſlaughtering in the field; his diſorderly bickering to an orderly invading; which was nothing elſe but a more orderly diſorder.

"Some ſuſpected and affirmed, that he meditated a war when he went firſt from Whitehall." And they were not the worſt heads that did ſo, nor did any of his former acts weaken him to that, as he alleges for himſelf; or if they had, they clear him only for the time of paſſing them, not for whatever thoughts might come after into his mind. Former actions of improvidence or fear, not with him unuſual, cannot abſolve him of all after-meditations.

He goes on proteſting his "no intention to have left Whitehall," had theſe horrid tumults given him but fair quarter; as if he himſelf, his wife, and children had been in peril. But to this enough hath been anſwered.

"Had this parliament, as it was in its firſt election," namely with the lord and baron biſhops, "ſate full and free," he doubts not but all had gone well. What warrant this of his to us, whoſe not doubting was all good men's greateſt doubt?

"He was reſolved to hear reaſon, and to conſent ſo far as he could comprehend." A hopeful reſolution: what if his reaſon were found by oft experience to comprehend nothing beyond his own advantages; was this a reaſon fit to be intruſted with the common good of three nations?

But, ſaith he, "as ſwine are to gardens, ſo are tumults to parliaments." This the parliament, had they found it ſo, could beſt have told us. In the mean while, who knows not that one great hog may do as much miſchief in a garden as many little ſwine?

"He was ſometimes prone to think, that had he called this laſt parliament to any other place in England, the ſad conſequences might have been prevented." But change of air changes not the mind. Was not his firſt parliament at Oxford diſſolved after two ſubſidies given him,

him, and no juſtice received? Was not his laſt in the ſame place, where they ſate with as much freedom, as much quiet from tumults, as they could deſire; a parliament, both in his account and their own, conſiſting of all his friends, that fled after him, and ſuffered for him, and yet by him nicknamed, and caſhiered for a "mongrel parliament, that vexed his queen with their baſe and mutinous motions," as his cabinet-letter tells us? Whereby the world may ſee plainly, that no ſhifting of place, no ſifting of members to his own mind, no number, no paucity, no freedom from tumults, could ever bring his arbitrary wilfulneſs, and tyrannical deſigns, to brook the leaſt ſhape or ſimilitude, the leaſt counterfeit of a parliament.

Finally, inſtead of praying for his people as a good king ſhould do, he prays to be delivered from them, as "from wild beaſts, inundations, and raging ſeas, that had overborn all loyalty, modeſty, laws, juſtice, and religion." God ſave the people from ſuch interceſſors!

V. *Upon the Bill for triennial Parliaments, and for ſettling this, &c.*

THE bill for a triennial parliament was but the third part of one good ſtep toward that which in times paſt was our annual right. The other bill for ſettling this parliament was new indeed, but at that time very neceſſary; and in the king's own words no more than what the world "was fully confirmed he might in juſtice, reaſon, honour, and conſcience grant them;" for to that end he affirms to have done it.

But whereas he attributes the paſſing of them to his own act of grace and willingneſs, (as his manner is to make virtues of his neceſſities) and giving to himſelf all the praiſe, heaps ingratitude upon the parliament, a little memory will ſet the clean contrary before us; that for thoſe beneficial acts we owe what we owe to the parliament: but to his granting them neither praiſe nor thanks. The firſt bill granted much leſs than two former ſtatutes yet in force by Edward the Third; that a parliament ſhould be called every year, or oftener, if need were: nay,

nay, from a far ancienter law-book called the "Mirror," it is affirmed in a late treatiſe called "Rights of the Kingdom,"* that parliaments by our old laws ought twice a year to be at London. From twice in one year to once in three years, it may be ſoon caſt up how great a loſs we fell into of our ancient liberty by that act, which in the ignorant and ſlaviſh minds we then were, was thought a great purchaſe. Wiſeſt men perhaps were contented (for the preſent at leaſt) by this act to have recovered parliaments, which were then upon the brink of danger to be for ever loſt. And this is that which the king preaches here for a ſpecial token of his princely favour, to have abridged and overreached the people five parts in ſix of what their due was, both by ancient ſtatute and originally. And thus the taking from us all but a triennial remnant of that Engliſh freedom which our fathers left us double, in a fair annuity enrolled, is ſet out, and ſold to us here for the gracious and overliberal giving of a new enfranchiſement. How little, may we think, did he ever give us, who in the bill of his pretended givings writes down imprimis that benefit or privilege once in three years given us, which by ſo giving he more than twice every year illegally took from us; ſuch givers as give ſingle to take away ſixfold, be to our enemies! for certainly this commonwealth, if the ſtatutes of our anceſtors be worth aught, would have found it hard and hazardous to thrive under the damage of ſuch a guileful liberality. The other act was ſo neceſſary, that nothing in the power of man more ſeemed to be the ſtay and ſupport of all things from that ſteep ruin to which he had nigh brought them, than that act obtained. He had by his ill ſtewardſhip, and, to ſay no worſe, the needleſs raiſing of two armies intended for a civil war, beggared both himſelf and the public; and beſides had left us upon the ſcore of his needy enemies for what it coſt them in their own defence againſt him. To diſengaige him and the kingdom great ſums were to be borrowed, which would never have been lent, nor

* Written by Mr. Sadler, of which the beſt edition is that of 1649, in quarto; the edition of 1687 being curtailed. It is an excellent book.

could

could ever be repaid, had the king chanced to diſſolve this parliament as heretofore. The errours alſo of his government had brought the kingdom to ſuch extremes, as were incapable of all recovery without the abſolute continuance of a parliament. It had been elſe in vain to go about the ſettling of ſo great diſtempers, if he, who firſt cauſed the malady, might, when he pleaſed, reject the remedy. Notwithſtanding all which, that he granted both theſe acts unwillingly, and as a mere paſſive inſtrument, was then viſible even to moſt of thoſe men who now will ſee nothing.

At paſſing of the former act he himſelf concealed not his unwillingneſs; and teſtifying a general diſlike of their actions, which they then proceeded in with great approbation of the whole kingdom, he told them with a maſterly brow, that "by this act he had obliged them above what they had deſerved," and gave a piece of juſtice to the commonwealth ſix times ſhort of his predeceſſors, as if he had been giving ſome boon or begged office to a ſort of his deſertleſs grooms.

That he paſſed the latter act againſt his will, no man in reaſon can hold it queſtionable. For if the February before he made ſo dainty, and were ſo loth to beſtow a parliament once in three years upon the nation, becauſe this had ſo oppoſed his courſes, was it likely that the May following he ſhould beſtow willingly on this parliament an indiſſoluble ſitting, when they had offended him much more by cutting ſhort and impeaching of high treaſon his chief favourites? It was his fear then, not his favour, which drew from him that act, leſt the parliament, incenſed by his conſpiracies againſt them about the ſame time diſcovered, ſhould with the people have reſented too heinouſly thoſe his doings, if to the ſuſpicion of their danger from him he had alſo added the denial of this only means to ſecure themſelves.

From theſe acts therefore in which he glories, and wherewith ſo oft he upbraids the parliament, he cannot juſtly expect to reap aught but diſhonour and diſpraiſe; as being both unwillingly granted, and the one granting much leſs than was before allowed by ſtatute, the other being a teſtimony of his violent and lawleſs cuſtom,

not

not only to break privileges, but whole parliaments; from which enormity they were conſtrained to bind him firſt of all his predeceſſors; never any before him having given like cauſes of diſtruſt and jealouſy to his people. As for this parliament, how far he was from being adviſed by them as he ought, let his own words expreſs.

He taxes them with "undoing what they found well done:" and yet knows they undid nothing in the church but lord biſhops, liturgies, ceremonies, high commiſſion, judged worthy by all true proteſtants to be thrown out of the church. They undid nothing in the ſtate but irregular and grinding courts, the main grievances to be removed; and if theſe were the things which in his opinion they found well done, we may again from hence be informed with what unwillingneſs he removed them: and that thoſe gracious acts, whereof ſo frequently he makes mention, may be engliſhed more properly acts of fear and diſſimulation againſt his mind and conſcience.

The bill preventing diſſolution of this parliament he calls "an unparalleled act, out of the extreme confidence that his ſubjects would not make ill uſe of it." But was it not a greater confidence of the people, to put into one man's hand ſo great a power, till he abuſed it, as to ſummon and diſſolve parliaments? He would be thanked for truſting them, and ought to thank them rather for truſting him: the truſt iſſuing firſt from them, not from him.

And that it was a mere truſt, and not his prerogative, to call and diſſolve parliaments at his pleaſure; and that parliaments were not to be diſſolved, till all petitions were heard, all grievances redreſſed, is not only the aſſertion of this parliament, but of our ancient law-books, which aver it to be an unwritten law of common right, ſo engraven in the hearts of our anceſtors, and by them ſo conſtantly enjoyed and claimed, as that it needed not enrolling. And if the Scots in their declaration could charge the king with breach of their laws for breaking up that parliament without their conſent, while matters of greateſt moment were depending; it were unreaſonable to imagine, that the wiſdom of England ſhould be ſo wanting to itſelf through all ages, as not to provide by

ſome known law, written or unwritten, againſt the not calling, or the arbitrary diſſolving of parliaments; or that they who ordained their ſummoning twice a year, or as oft as need required, did not tacitly enact alſo, that as neceſſity of affairs called them, ſo the ſame neceſſity ſhould keep them undiſſolved, till that were fully ſatisfied. Were it not for that, parliaments, and all the fruit and benefit we receive by having them, would turn ſoon to mere abuſion. It appears then, that if this bill of not diſſolving were an unparalleled act, it was a known and common right, which our anceſtors under other kings enjoyed as firmly, as if it had been graven in marble; and that the infringement of this king firſt brought it into a written act: who now boaſts that as a great favour done us, which his own leſs fidelity than was in former kings conſtrained us only of an old undoubted right to make a new written act. But what needed written acts, whenas anciently it was eſteemed part of his crown-oath, not to diſſolve parliaments till all grievances were conſidered? whereupon the old "Modi of Parliament" calls it flat perjury, if he diſſolve them before: as I find cited in a book mentioned at the beginning of this chapter, to which and other law-tractats I refer the more lawyerly mooting of this point, which is neither my element, nor my proper work here; ſince the book, which I have to anſwer, pretends reaſon, not authorities and quotations: and I hold reaſon to be the beſt arbitrator, and the law of law itſelf.

It is true, that, "good ſubjects think it not juſt, that the king's condition ſhould be worſe by bettering theirs." But then the king muſt not be at ſuch a diſtance from the people in judging what is better and what worſe; which might have been agreed, had he known (for his own words condemn him) "as well with moderation to uſe, as with earneſtneſs to deſire his own advantages."

"A continual parliament he thought would keep the commonwealth in tune." Judge, commonwealth, what proofs he gave, that this boaſted profeſſion was ever in his thought.

"Some," ſaith he, "gave out, that I repented me of that ſettling act." His own actions gave it out beyond all

all ſuppoſition; for doubtleſs it repented him to have eſtabliſhed that by law, which he went about ſo ſoon after to abrogate by the ſword.

He calls thoſe acts, which he confeſſes "tended to their good, not more princely than friendly contributions." As if to do his duty were of courteſy, and the diſcharge of his truſt a parcel of his liberality; ſo nigh loſt in his eſteem was the birth-right of our liberties, that to give them back again upon demand, ſtood at the mercy of his contribution.

"He doubts not but the affections of his people will compenſate his ſufferings for thoſe acts of confidence:" and imputes his ſufferings to a contrary cauſe. Not his confidence, but his diſtruſt was that which brought him to thoſe ſufferings, from the time that he forſook his parliament; and truſted them never the ſooner for what he tells "of their piety and religious ſtrictneſs," but rather hated them as puritans, whom he always ſought to extirpate.

He would have it believed, that "to bind his hands by theſe acts, argued a very ſhort foreſight of things, and extreme fatuity of mind in him," if he had meant a war. If we ſhould conclude ſo, that were not the only argument: neither did it argue, that he meant peace; knowing that what he granted for the preſent out of fear, he might as ſoon repeal by force, watching his time; and deprive them the fruit of thoſe acts, if his own deſigns, wherein he put his truſt, took effect.

Yet he complains, "that the tumults threatened to abuſe all acts of grace, and turn them into wantonneſs." I would they had turned his wantonneſs into the grace of not abuſing Scripture. Was this becoming ſuch a ſaint as they would make him, to adulterate thoſe ſacred words from the grace of God to the acts of his own grace? Herod was eaten up of worms for ſuffering others to compare his voice to the voice of God; but the borrower of this phraſe gives much more cauſe of jealouſy, that he likened his own acts of grace to the acts of God's grace.

From prophaneneſs he ſcarce comes off with perfect ſenſe. "I was not then in a capacity to make war," therefore "I intended not." "I was not in a capacity," therefore "I could not have given my enemies greater

advantage, than by ſo unprincely inconſtancy to have ſcattered them by arms, whom but lately I had ſettled by parliament." What place could there be for his inconſtancy in that thing whereto he was in no capacity? Otherwiſe his inconſtancy was not ſo unwonted, or ſo nice, but that it would have eaſily found pretences to ſcatter thoſe in revenge, whom he ſettled in fear.

"It had been a courſe full of ſin, as well as of hazard and diſhonour." True; but if thoſe conſiderations withheld him not from other actions of like nature, how can we believe they were of ſtrength ſufficient, to withhold him from this? And that they withheld him not, the event ſoon taught us.

"His letting ſome men go up to the pinnacle of the temple, was a temptation to them to caſt him down headlong." In this ſimile we have himſelf compared to Chriſt, the parliament to the devil, and his giving them that act of ſettling, to his letting them go up to the "pinnacle of the temple." A tottering and giddy act rather than a ſettling. This was goodly uſe made of Scripture in his ſolitudes: but it was no pinnacle of the temple, it was a pinnacle of Nebuchadnezzar's palace, from whence he and monarchy fell headlong together.

He would have others ſee that "all the kingdoms of the world are not worth gaining by ways of ſin which hazard the ſoul;" and hath himſelf left nothing unhazarded to keep three. He concludes with ſentences, that, rightly ſcanned, make not ſo much for him as againſt him, and confeſſes, that "the act of ſettling was no ſin of his will;" and we eaſily believe him, for it hath been clearly proved a ſin of his unwillingneſs.

With his oriſons I meddle not, for he appeals to a high audit. This yet may be noted, that at his prayers he had before him the ſad preſage of his ill ſucceſs, "as of a dark and dangerous ſtorm, which never admitted his return to the port from whence he ſet out." Yet his prayerbook no ſooner ſhut, but other hopes flattered him; and their flattering was his deſtruction.

VI. *Upon his Retirement from Weſtminſter.*

THE ſimile wherewith he begins I was about to have found fault with, as in a garb ſomewhat more poetical than for a ſtatiſt: but meeting with many ſtrains of like dreſs in other of his eſſays, and hearing him reported a more diligent reader of poets, than of politicians, I begun to think that the whole book might perhaps be intended a piece of poetry. The words are good, the fiction ſmooth and cleanly; there wanted only rhyme, and that, they ſay, is beſtowed upon it lately. But to the argument.

"I ſtaid at Whitehall, till I was driven away by ſhame more than fear." I retract not what I thought of the fiction, yet here, I muſt confeſs, it lies too open. In his meſſages and declarations, nay in the whole chapter next but one before this, he affirms, that "the danger wherein his wife, his children, and his own perſon" were by thoſe tumults, was the main cauſe that drove him from Whitehall, and appeals to God as witneſs: he affirms here that it was "ſhame more than fear." And Digby, who knew his mind as well as any, tells his new-liſted guard, "that the principal cauſe of his majeſty's going thence was to ſave them from being trod in the dirt." From whence we may diſcern what falſe and frivolous excuſes are avowed for truth, either in thoſe declarations, or in this penitential book. Our forefathers were of that courage and ſeverity of zeal to juſtice and their native liberty, againſt the proud contempt and miſrule of their kings, that when Richard the Second departed but from a committee of lords, who ſate preparing matter for the parliament not yet aſſembled, to the removal of his evil counſellors, they firſt vanquiſhed and put to flight Robert de Vere his chief favourite; and then, coming up to London with a huge army, required the king, then withdrawn for fear, but no further off than the Tower, to come to Weſtminſter. Which he refuſing, they told him flatly, that unleſs he came they would chooſe another. So high a crime it was accounted then for kings to abſent themſelves, not from a parliament, which none ever durſt, but from any meeting of his peers and counſellors,

which did but tend towards a parliament. Much leſs would they have ſuffered, that a king, for ſuch trivial and various prétences, one while for fear of tumults, another while " for ſhame to ſee them," ſhould leave his regal ſtation, and the whole kingdom bleeding to death of thoſe wounds, which his own unſkilful and perverſe government had inflicted.

Shame then it was that drove him from the parliament, but the ſhame of what? Was it the ſhame of his manifold errours and miſdeeds, and to ſee how weakly he had played the king? No; " but to ſee the barbarous rudeneſs of thoſe tumults to demand any thing." We have ſtarted here another, and I believe the trueſt cauſe of his deſerting the parliament. The worſt and ſtrangeſt of that " Any thing," which the people then demanded, was but the unlording of biſhops, and expelling them the houſe, and the reducing of church-diſcipline to a conformity with other proteſtant churches; this was the barbariſm of thoſe tumults: and that he might avoid the granting of thoſe honeſt and pious demands, as well demanded by the parliament as the people, for this very cauſe more than for fear, by his own confeſſion here, he left the city; and in a moſt tempeſtuous ſeaſon forſook the helm and ſteerage of the commonwealth. This was that terrible " Any thing," from which his Conſcience and his Reaſon choſe to run, rather than not deny. To be importuned the removing of evil counſellors, and other grievances in church and ſtate, was to him " an intolerable oppreſſion." If the people's demanding were ſo burdenſome to him, what was his denial and delay of juſtice to them?

But as the demands of his people were to him a burden and oppreſſion, ſo was the advice of his parliament eſteemed a bondage; " Whoſe agreeing votes," as he affirms, " were not by any law or reaſon concluſive to his judgment." For the law, it ordains a parliament to adviſe him in his great affairs; but if it ordain alſo, that the ſingle judgment of a king ſhall outbalance all the wiſdom of his parliament, it ordains that, which fruſtrates the end of its own ordaining. For where the king's judgment may diſſent, to the deſtruction, as it may happen,

pen, both of himſelf and the kingdom, their advice, and no further, is a moſt inſufficient and fruſtraneous means to be provided by law in caſes of ſo high concernment. And where the main and principal law of common preſervation againſt tyranny is left ſo fruitleſs and infirm, there it muſt needs follow, that all leſſer laws are to their ſeveral ends and purpoſes much more weak and ineffectual. For that nation would deſerve to be renowned and chronicled for folly and ſtupidity, that ſhould by law provide force againſt private and petty wrongs, advice only againſt tyranny and public ruin. It being therefore moſt unlike a law, to ordain a remedy ſo ſlender and unlawlike, to be the utmoſt means of all public ſafety or prevention,* as advice is, which may at any time be rejected by the ſole judgment of one man, the king, and ſo unlike the law of England, which lawyers ſay is the quinteſſence of reaſon and mature wiſdom; we may conclude, that the king's negative voice was never any law, but an abſurd and reaſonleſs cuſtom, begotten and grown up either from the flattery of baſeſt times, or the uſurpation of immoderate princes. Thus much to the law of it, by a better evidence than rolls and records, reaſon.

But is it poſſible he ſhould pretend alſo to reaſon, that the judgment of one man, not as a wiſe or good man, but as a king, and ofttimes a wilful, proud, and wicked king, ſhould outweigh the prudence and all the virtue of an elected parliament? What an abuſive thing were it then to ſummon parliaments, that by the major part of voices greateſt matters may be there debated and reſolved, whenas one ſingle voice after that ſhall daſh all their reſolutions?

He attempts to give a reaſon why it ſhould, "Becauſe the whole parliaments repreſent not him in any kind." But mark how little he advances; for if the parliament repreſent the whole kingdom, as is ſure enough they do, then doth the king repreſent only himſelf; and if a king without his kingdom be in a civil ſenſe nothing, then without or againſt the repreſentative of his whole kingdom, he himſelf repreſents nothing;

* Second edition has it of all our ſafety or prevention.

and by conſequence his judgment and his negative is as good as nothing: and though we ſhould allow him to be ſomething, yet not equal* or comparable to the whole kingdom, and ſo neither to them who repreſent it: much leſs that one ſyllable of his breath put into the ſcales ſhould be more ponderous than the joint voice and efficacy of a whole parliament, aſſembled by election, and endued with the plenipotence of a free nation, to make laws, not to be denied laws; and with no more but no, a ſleeveleſs reaſon, in the moſt preſſing times of danger and diſturbance to be ſent home fruſtrate and remedileſs.

Yet here he maintains, "to be no further bound to agree with the votes of both houſes, than he ſees them to agree with the will of God, with his juſt rights as a king, and the general good of his people." As to the freedom of his agreeing or not agreeing, limited with due bounds, no man reprehends it; this is the queſtion here, or the miracle rather, why his only not agreeing ſhould lay a negative bar and inhibition upon that which is agreed to by a whole parliament, though never ſo conducing to the public good or ſafety? To know the will of God better than his whole kingdom, whence ſhould he have it? Certainly court-breeding and his perpetual converſation with flatterers was but a bad ſchool. To judge of his own rights could not belong to him, who had no right by law in any court to judge of ſo much as felony or treaſon, being held a party in both theſe caſes, much more in this; and his rights however ſhould give place to the general good, for which end all his rights were given him. Laſtly, to ſuppoſe a clearer inſight and diſcerning of the general good, allotted to his own ſingular judgment, than to the parliament and all the people, and from that ſelf-opinion of diſcerning, to deny them that good which they, being all freemen, ſeek earneſtly and call for, is an arrogance and iniquity beyond imagination rude and unreaſonable; they undoubtedly having moſt authority to judge of the public good, who for that purpoſe are choſen out and ſent by the people to adviſe him. And if it may be in him to ſee oft "the

* Second edition has equivalent.

major

major part of them not in the right," had it not been more his modeſty, to have doubted their ſeeing him more often in the wrong?

He paſſes to another reaſon of his denials, " becauſe of ſome men's hydropic unſatiableneſs, and thirſt of aſking, the more they drank, whom no fountain of regal bounty was able to overcome." A compariſon more properly beſtowed on thoſe that came to guzzle in his wine-cellar, than on a freeborn people that came to claim in parliament their rights and liberties, which a king ought therefore to grant, becauſe of right demanded; not to deny them for fear his bounty ſhould be exhauſted, which in theſe demands (to continue the ſame metaphor) was not ſo much as broached; it being his duty, not his bounty, to grant theſe things. He who thus refuſes to give us law, in that refuſal gives us another law, which is his will, another name alſo, and another condition; of freemen to become his vaſſals.

Putting off the courtier, he now puts on the philoſopher, and ſententiouſly diſputes to this effect, " That reaſon ought to be uſed to men, force and terrour to beaſts; that he deſerves to be a ſlave, who captivates the rational ſovereignty of his ſoul and liberty of his will to compulſion; that he would not forfeit that freedom, which cannot be denied him as a king, becauſe it belongs to him as a man and a chriſtian, though to preſerve his kingdom; but rather die enjoying the empire of his ſoul, than live in ſuch a vaſſalage, as not to uſe his reaſon and conſcience, to like or diſlike as a king." Which words, of themſelves, as far as they are ſenſe, good and philoſophical, yet in the mouth of him, who, to engroſs this common liberty to himſelf, would tread down all other men into the condition of ſlaves and beaſts, they quite loſe their commendation. He confeſſes a rational ſovereignty of ſoul, and freedom of will in every man, and yet with an implicit repugnancy would have his reaſon the ſovereign of that ſovereignty, and would captivate and make uſeleſs that natural freedom of will in all other men but himſelf. But them that yield him this obedience he ſo well rewards, as to pronounce them worthy to be ſlaves. They who have loſt all to be his

ſubjects,

ſubjects, may ſtoop and take up the reward. What that freedom is, which "cannot be denied him as a king, becauſe it belongs to him as a man and a chriſtian," I underſtand not. If it be his negative voice, it concludes all men, who have not ſuch a negative as his againſt a whole parliament, to be neither men nor chriſtians: and what was he himſelf then, all this while that we denied it him as a king? Will he ſay, that he enjoyed within himſelf the leſs freedom for that? Might not he, both as a man and as a chriſtian, have reigned within himſelf in full ſovereignty of ſoul, no man repining, but that his outward and imperious will muſt invade the civil liberties of a nation? Did we therefore not permit him to uſe his reaſon or his conſcience, not permitting him to bereave us the uſe of ours? And might not he have enjoyed both as a king, governing us as freemen by what laws we ourſelves would be governed? It was not the inward uſe of his reaſon and of his conſcience, that would content him, but to uſe them both as a law over all his ſubjects, "in whatever he declared as a king to like or diſlike." Which uſe of reaſon, moſt reaſonleſs and unconſcionable, is the utmoſt that any tyrant ever pretended over his vaſſals.

In all wiſe nations the legiſlative power, and the judicial execution of that power, have been moſt commonly diſtinct, and in ſeveral hands; but yet the former ſupreme, the other ſubordinate. If then the king be only ſet up to execute the law, which is indeed the higheſt of his office, he ought no more to make or forbid the making of any law agreed upon in parliament, than other inferior judges, who are his deputies. Neither can he more reject a law offered him by the commons, than he can new make a law, which they reject. And yet the more to credit and uphold his cauſe, he would ſeem to have philoſophy on his ſide; ſtraining her wiſe dictates to unphiloſophical purpoſes. But when kings come ſo low, as to fawn upon philoſophy, which before they neither valued nor underſtood, it is a ſign that fails not, they are then put to their laſt trump. And philoſophy as well requites them, by not ſuffering her golden ſayings either to become their lips, or to be uſed as maſks and colours of injurious and violent deeds. So

that what they preſume to borrow from her ſage and virtuous rules, like the riddle of Sphinx not underſtood, breaks the neck of their own cauſe.

But now again to politics: "He cannot think the Majeſty of the crown of England to be bound by any coronation oath in a blind and brutiſh formality, to conſent to whatever its ſubjects in parliament ſhall require." What tyrant could preſume to ſay more, when he meant to kick down all law, government, and bond of oath? But why he ſo deſires to abſolve himſelf the oath of his coronation would be worth the knowing. It cannot but be yielded, that the oath, which binds him to performance of his truſt, ought in reaſon to contain the ſum of what his chief truſt and office is. But if it neither do enjoin, nor mention to him, as a part of his duty, the making or the marring of any law, or ſcrap of law, but requires only his aſſent to thoſe laws which the people have already choſen, or ſhall chooſe (for ſo both the Latin of that oath, and the old Engliſh; and all reaſon admits, that the people ſhould not loſe under a new king what freedom they had before) then that negative voice ſo contended for, to deny the paſſing of any law, which the commons chooſe, is both againſt the oath of his coronation, and his kingly office. And if the king may deny to paſs what the parliament hath choſen to be a law, then doth the king make himſelf ſuperior to his whole kingdom; which not only the general maxims of policy gainſay, but even our own ſtanding laws, as hath been cited to him in remonſtrances heretofore, that "the king hath two ſuperiors, the law, and his court of parliament." But this he counts to be a blind and brutiſh formality, whether it be law, or oath, or his duty, and thinks to turn it off with wholeſome words and phraſes, which he then firſt learnt of the honeſt people, when they were ſo often compelled to uſe them againſt thoſe more truly blind and brutiſh formalities thruſt upon us by his own command, not in civil matters only, but in ſpiritual. And if his oath to perform what the people require, when they crown him, be in his eſteem a brutiſh formality, then doubtleſs thoſe other oaths of allegiance and ſupremacy, taken abſolute on our part, may moſt juſtly

appear

appear to us in all reſpects as brutiſh and as formal; and ſo by his own ſentence no more binding to us, than his oath to him.

As for his inſtance, in caſe "he and the houſe of peers attempted to enjoin the houſe of commons," it bears no equality; for he and the peers repreſent but themſelves, the commons are the whole kingdom.

Thus he concludes "his oath to be fully diſcharged in governing by laws already made," as being not bound to paſs any new, "if his reaſon bids him deny." And ſo may infinite miſchiefs grow, and he with a pernicious negative may deny us all things good, or juſt, or ſafe, whereof our anceſtors, in times much differing from ours, had either no foreſight, or no occaſion to foreſee; while our general good and ſafety ſhall depend upon the private and overweening reaſon of one obſtinate man, who againſt all the kingdom, if he liſt, will interpret both the law and his oath of coronation by the tenour of his own will. Which he himſelf confeſſes to be an arbitrary power, yet doubts not in his argument to imply, as if he thought it more fit the parliament ſhould be ſubject to his will, than he to their advice; a man neither by nature nor by nurture wiſe. How is it poſſible, that he, in whom ſuch principles as theſe were ſo deep rooted, could ever, though reſtored again, have reigned otherwiſe than tyrannically?

He objects, "That force was but a ſlaviſh method to diſpel his errour." But how often ſhall it be anſwered him, that no force was uſed to diſpel the errour out of his head, but to drive it from off our necks? for his errour was imperious, and would command all other men to renounce their own reaſon and underſtanding, till they periſhed under the injunction of his all ruling errour.

He alleges the uprightneſs of his intentions to excuſe his poſſible failings, a poſition falſe both in law and divinity: yea, contrary to his own better principles, who affirms in the twelfth chapter, that "the goodneſs of a man's intention will not excuſe the ſcandal and contagion of his example." His not knowing, through the corruption of flattery and court-principles, what he ought

ought to have known, will not excuſe his not doing what he ought to have done; no more than the ſmall ſkill of him, who undertakes to be a pilot, will excuſe him to be miſled by any wandering ſtar miſtaken for the pole. But let his intentions be never ſo upright, what is that to us? what anſwer for the reaſon and the national rights, which God hath given us, if having parliaments, and laws, and the power of making more to avoid miſchief, we ſuffer one man's blind intentions to lead us all with our eyes open to manifeſt deſtruction?

And if arguments prevail not with ſuch a one, force is well uſed; not "to carry on the weakneſs of our counſels, or to convince his errour," as he ſurmiſes, but to acquit and reſcue our own reaſon, our own conſciences, from the force and prohibition laid by his uſurping errour upon our liberties and underſtandings.

"Never any thing pleaſed him more, than when his judgment concurred with theirs." That was to the applauſe of his own judgment, and would as well have pleaſed any ſelf conceited man.

"Yea, in many things he choſe rather to deny himſelf than them." That is to ſay, in trifles. For "of his own intereſts" and perſonal rights he conceives himſelf "maſter." To part with, if he pleaſe; not to conteſt for, againſt the kingdom, which is greater than he, whoſe rights are all ſubordinate to the kingdom's good. And "in what concerns truth, juſtice, the right of church, or his crown, no man ſhall gain his conſent againſt his mind." What can be left then for a parliament, but to ſit like images, while he ſtill thus either with incomparable arrogance aſſumes to himſelf the beſt ability of judging for other men what is truth, juſtice, goodneſs, what his own and the church's right, or with unſufferable tyranny reſtrains all men from the enjoyment of any good, which his judgment, though erroneous, thinks not fit to grant them; notwithſtanding that the law and his coronal oath requires his undeniable aſſent to what laws the parliament agree upon?

"He had rather, wear a crown of thorns with our Saviour." Many would be all one with our Saviour, whom our Saviour will not know. They who govern

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ill thoſe kingdoms which they had a right to, have to our Saviour's crown of thorns no right at all. Thorns they may find enow of their own gathering, and their own twiſting; for thorns and ſnares, ſaith Solomon, are in the way of the froward: but to wear them, as our Saviour wore them, is not given to them, that ſuffer by their own demerits. Nor is a crown of gold his due, who cannot firſt wear a crown of lead; not only for the weight of that great office, but for the compliance which it ought to have with them who are to counſel him, which here he terms in ſcorn "An imbaſed flexibleneſs to the various and oft contrary dictates of any factions," meaning his parliament; for the queſtion hath been all this while between them two. And to his parliament, though a numerous and choice aſſembly of whom the land thought wiſeſt, he imputes, rather than to himſelf, "want of reaſon, neglect of the public, intereſt of parties, and particularity of private will and paſſion;" but with what modeſty or likelihood of truth, it will be weariſome to repeat ſo often.

He concludes with a ſentence fair in ſeeming, but fallacious. For if the conſcience be ill edified, the reſolution may more befit a fooliſh than a chriſtian king, to preſer a ſelf-willed conſcience before a kingdom's good; eſpecially in the denial of that, which law and his regal office by oath bids him grant to his parliament and whole kingdom rightfully demanding. For we may obſerve him throughout the diſcourſe to aſſert his negative power againſt the whole kingdom; now under the ſpecious plea of his conſcience and his reaſon, but heretofore in a louder note; "Without us, or againſt our conſent, the votes of either or of both houſes together, muſt not, cannot, ſhall not." Declar. May 4, 1642.

With theſe and the like deceivable doctrines he leavens alſo his prayer.

VII. *Upon the Queen's Departure.*

TO this argument we ſhall ſoon have ſaid; for what concerns it us to hear a huſband divulge his houſehold privacies, extolling to others the virtues of his wife? an infirmity

infirmity not ſeldom incident to thoſe who have leaſt cauſe. But how good ſhe was a wife, was to himſelf, and be it left to his own fancy; how bad a ſubject, is not much diſputed. And being ſuch, it need be made no wonder, though ſhe left a proteſtant kingdom with as little honour as her mother left a popiſh.

That this "is the firſt example of any proteſtant ſubjects, that have taken up arms againſt their king a proteſtant," can be to proteſtants no diſhonour; when it ſhall be heard, that he firſt levied war on them, and to the intereſt of papiſts more than of proteſtants. He might have given yet the precedence of making war upon him to the ſubjects of his own nation, who had twice oppoſed him in the open field long ere the Engliſh found it neceſſary to do the like. And how groundleſs, how diſſembled is that fear, leſt ſhe, who for ſo many years had been averſe from the religion of her huſband, and every year more and more, before theſe diſturbances broke out, ſhould for them be now the more alienated from that, to which we never heard ſhe was inclined? But if the fear of her delinquency, and that juſtice which the proteſtants demanded on her, was any cauſe of her alienating the more, to have gained her by indirect means had been no advantage to religion, much leſs then was the detriment to loſe her further off. It had been happy if his own actions had not given cauſe of more ſcandal to the proteſtants, than what they did againſt her could juſtly ſcandalize any papiſt.

Them who accuſed her, well enough known to be the parliament, he cenſures for "men yet to ſeek their religion, whether doctrine, diſcipline, or good manners;" the reſt he ſoothes with the name of true Engliſh proteſtants, a meer ſchiſmatical name, yet he ſo great an enemy of ſchiſm.

He aſcribes "rudeneſs and barbarity, worſe than Indian," to the Engliſh parliament; and "all virtue" to his wife, in ſtrains that come almoſt to ſonnetting: how fit to govern men, undervaluing and aſperſing the great council of his kingdom, in compariſon of one woman! Examples are not far to ſeek, how great miſchief and diſhonour hath befallen nations under the government of effeminate

effeminate and uxorious magiſtrates; who, being themſelves governed and overſwayed at home under a feminine uſurpation, cannot but be far ſhort of ſpirit and authority without doors, to govern a whole nation.

" Her tarrying here he could not think ſafe among them, who were ſhaking hands with allegiance, to lay faſter hold on religion;" and taxes them of a duty rather than a crime, it being juſt to obey God rather than man, and impoſſible to ſerve two maſters: I would they had quite ſhaken off what they ſtood ſhaking hands with; the fault was in their courage, not in their cauſe.

In his prayer he prays, that the diſloyalty of his proteſtant ſubjects may not be a hinderance to her love of the true religion; and never prays, that the diſſoluteneſs of his court, the ſcandals of his clergy, the unſoundneſs of his own judgment, the lukewarmneſs of his life, his letter of compliance to the pope, his permitting agents at Rome, the pope's nuncio, and her jeſuited mother here, may not be found in the ſight of God far greater hinderances to her converſion.

But this had been a ſubtle prayer indeed, and well prayed, though as duly as a Paternoſter, if it could have charmed us to ſit ſtill, and have religion and our liberties one by one ſnatched from us, for fear leſt riſing to defend ourſelves we ſhould fright the queen, a ſtiff papiſt, from turning proteſtant! As if the way to make his queen a proteſtant, had been to make his ſubjects more than halfway papiſts.

He prays next, " that his conſtancy may be an antidote againſt the poiſon of other men's example." His conſtancy in what? Not in religion, for it is openly known, that her religion wrought more upon him, than his religion upon her; and his open favouring of papiſts, and his hatred of them called puritans, (the miniſters alſo that prayed in churches for her converſion, being checked from court) made moſt men ſuſpect ſhe had quite perverted him. But what is it, that the blindneſs of hypocriſy dares not do? It dares pray, and thinks to hide that from the eyes of God, which it cannot hide from the open view of man.

VIII. *Upon*

VIII. *Upon his Repulſe at Hull, and the Fate of the Hothams.*

HULL, a town of great ſtrength and opportunity both to ſea and land affairs, was at that time the magazine of all thoſe arms, which the king had bought with money moſt illegally extorted from his ſubjects of England, to uſe in a cauſeleſs and moſt unjuſt civil war againſt his ſubjects of Scotland. The king in high diſcontent and anger had left the parliament, and was gone towards the north, the queen into Holland, where ſhe pawned and ſet to ſale the crown jewels (a crime heretofore counted treaſonable in kings), and to what intent theſe ſums were raiſed, the parliament was not ignorant. His going northward in ſo high a chafe they doubted was to poſſeſs himſelf of that ſtrength, which the ſtorehouſe and ſituation of Hull might add ſuddenly to his malignant party. Having firſt therefore in many petitions earneſtly prayed him to diſpoſe and ſettle, with conſent of both houſes, the military power in truſty hands, and he as oft refuſing, they were neceſſitated by the turbulence and danger of thoſe times, to put the kingdom by their own authority into a poſture of defence; and very timely ſent ſir John Hotham, a member of the houſe, and knight of that county, to take Hull into his cuſtody, and ſome of the trained bands to his aſſiſtance. For beſides the general danger, they had, before the king's going to York, notice given them of his private commiſſions to the earl of Newcaſtle, and to colonel Legg, one of thoſe employed to bring the army up againſt the parliament; who had already made ſome attempts, and the former of them under a diſguiſe, to ſurpriſe that place for the king's party. And letters of the lord Digby were intercepted, wherein was wiſhed, that the king would declare himſelf, and retire to ſome ſafe place; other information came from abroad, that Hull was the place deſigned for ſome new enterpriſe. And accordingly Digby himſelf not long after, with many other commanders, and much foreign ammunition, landed in thoſe parts. But theſe attempts not ſucceeding, and that town being now in cuſtody of the parliament, he ſends a meſſage to them, that he had

firmly reſolved to go in perſon into Ireland, to chaſtiſe thoſe wicked rebels (for theſe and worſe words he then gave them), and that towards this work he intended forthwith to raiſe by his commiſſions, in the counties near Weſtcheſter, a guard for his own perſon, conſiſting of 2000 foot, and 200 horſe, that ſhould be armed from his magazine at Hull. On the other ſide, the parliament, foreſeeing the king's drift, about the ſame time ſend him a petition, that they might have leave for neceſſary cauſes to remove the magazine of Hull to the tower of London, to which the king returns his denial; and ſoon after going to Hull, attended with about 400 horſe, requires the governor to deliver him up the town: whereof the governor beſought humbly to be excuſed, till he could ſend notice to the parliament, who had intruſted him; whereat the king much incenſed proclaims him traitor before the town walls, and gives immediate order to ſtop all paſſages between him and the parliament. Yet he himſelf diſpatches poſt after poſt to demand juſtice, as upon a traitor; uſing a ſtrange iniquity to require juſtice upon him, whom he then waylaid, and debarred from his appearance. The parliament no ſooner underſtood what had paſſed, but they declare, that ſir John Hotham had done no more than was his duty, and was therefore no traitor.

This relation, being moſt true, proves that which is affirmed here to be moſt falſe; ſeeing the parliament, whom he accounts his "greateſt enemies," had "more confidence to abet and own" what ſir John Hotham had done, than the king had confidence to let him anſwer in his own behalf.

To ſpeak of his patience, and in that ſolemn manner, he might better have forborne; "God knows," ſaith he, "it affected me more with ſorrow for others, than with anger for myſelf; nor did the affront trouble me ſo much as their ſin." This is read, I doubt not, and believed: and as there is ſome uſe of every thing, ſo is there of this book, were it but to ſhow us, what a miſerable, credulous, deluded thing, that creature is, which is called the vulgar; who, notwithſtanding what they might know, will believe ſuch vainglories as theſe. Did not

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that choleric and vengeful act of proclaiming him traitor before due proceſs of law, having been convinced ſo late before of his illegality with the five members, declare his anger to be incenſed? doth not his own relation confeſs as much? and his ſecond meſſage left him fuming three days after, and in plain words teſtifies "his impatience of delay" till Hotham be ſeverely puniſhed, for that which he there terms an inſupportable affront.

Surely if his ſorrow for ſir John Hotham's ſin were greater than his anger for the affront, it was an exceeding great ſorrow indeed, and wonderous charitable. But if it ſtirred him ſo vehemently to have ſir John Hotham puniſhed, and not at all, that we hear, to have him repent, it had a ſtrange operation to be called a ſorrow for his ſin. He who would perſuade us of his ſorrow for the ſins of other men, as they are ſins, not as they are ſinned againſt himſelf, muſt give us firſt ſome teſtimony of a ſorrow for his own ſins, and next for ſuch ſins of other men as cannot be ſuppoſed a direct injury to himſelf. But ſuch compunction in the king no man hath yet obſerved; and till then his ſorrow for ſir John Hotham's ſin will be called no other than the reſentment of his repulſe; and his labour to have the ſinner only puniſhed will be called by a right name, his revenge.

And "the hand of that cloud, which caſt all ſoon after into darkneſs and diſorder," was his own hand. For aſſembling the inhabitants of Yorkſhire and other counties, horſe and foot, firſt under colour of a new guard to his perſon, ſoon after, being ſupplied with ammunition from Holland, bought with the crown jewels, he begins an open war by laying ſiege to Hull: which town was not his own, but the kingdom's; and the arms there, public arms, bought with the public money, or not his own. Yet had they been his own by as good right as the private houſe and arms of any man are his own; to uſe either of them in a way not private, but ſuſpicious to the commonwealth, no law permits. But the king had no propriety at all either in Hull or in the magazine: ſo that the following maxims, which he cites "of bold and diſloyal undertakers," may belong more juſtly to whom he leaſt meant them. After this he again

relapſes into the praiſe of his patience at Hull, and by his overtalking of it ſeems to doubt either his own conſcience or the hardneſs of other mens belief. To me, the more he praiſes it in himſelf, the more he ſeems to ſuſpect that in very deed it was not in him; and that the lookers on ſo likewiſe thought.

Thus much of what he ſuffered by Hotham, and with what patience; now of what Hotham ſuffered, as he judges, for oppoſing him: "he could not but obſerve how God not long after pleaded and avenged his cauſe." Moſt men are too apt, and commonly the worſt of men, ſo to interpret and expound the judgments of God, and all other events of Providence or chance, as makes moſt to the juſtifying of their own cauſe, though never ſo evil; and attribute all to the particular favour of God towards them. Thus when Saul heard that David was in Keilah, "God," ſaith he, "hath delivered him into my hands, for he is ſhut in." But how far that king was deceived in his thought that God was favouring to his cauſe, that ſtory unfolds; and how little reaſon this king had to impute the death of Hotham to God's avengement of his repulſe at Hull, may eaſily be ſeen. For while Hotham continued faithful to his truſt, no man more ſafe, more ſucceſsful, more in reputation than he: but from the time he firſt fought to make his peace with the king, and to betray into his hands that town, into which before he had denied him entrance, nothing proſpered with him. Certainly had God purpoſed him ſuch an end for his oppoſition to the king, he would not have deferred to puniſh him till then, when of an enemy he was changed to be the king's friend, nor have made his repentance and amendment the occaſion of his ruin. How much more likely is it, ſince he fell into the act of diſloyalty to his charge, that the judgment of God concurred with the puniſhment of man, and juſtly cut him off for revolting to the king? to give the world an example, that glorious deeds done to ambitious ends find reward anſwerable, not to their outward ſeeming, but to their inward ambition. In the mean while, what thanks he had from the king for revolting to his cauſe, and what good opinion for dying in his ſervice, they

who have ventured like him, or intend, may here take notice.

He proceeds to declare, not only in general wherefore God's judgment was upon Hotham, but undertakes by fancies, and alluſions, to give a criticiſm upon every particular: " that his head was divided from his body, becauſe his heart was divided from the king; two heads cut off in one family for affronting the head of the commonwealth; the eldeſt ſon being infected with the ſin of his father, againſt the father of his country." Theſe petty gloſſes and conceits on the high and ſecret judgments of God, beſides the boldneſs of unwarrantable commenting, are ſo weak and ſhallow, and ſo like the quibbles of a court ſermon, that we may ſafely reckon them either fetched from ſuch a pattern, or that the hand of ſome houſehold prieſt ſoiſted them in; leſt the world ſhould forget how much he was a diſciple of thoſe cymbal doctors. But that argument, by which the author would commend them to us, diſcredits them the more: for if they be ſo " obvious to every fancy," the more likely to be erroneous, and to miſconceive the mind of thoſe high ſecrecies, whereof they preſume to determine. For God judges not by human fancy.

But however God judged Hotham, yet he had the king's pity: but mark the reaſon how prepoſterous; ſo far he had his pity, " as he thought he at firſt acted more againſt the light of his conſcience, than many other men in the ſame cauſe." Queſtionleſs they who act againſt conſcience, whether at the bar of human, or divine juſtice, are pitied leaſt of all. Theſe are the common grounds and verdicts of nature, whereof when he who hath the judging of a whole nation is found deſtitute, under ſuch a governor that nation muſt needs be miſerable.

By the way he jerks at " ſome mens reforming to models of religion, and that they think all is gold of piety, that doth but gliſter with a ſhow of zeal." We know his meaning, and apprehend how little hope there could be of him from ſuch language as this: but are ſure that the piety of his prelatic model gliſtered more upon the poſts and pillars, which their zeal and fervency

gilded over, than in the true works of ſpiritual edification.

" He is ſorry that Hotham felt the juſtice of others, and fell not rather into the hands of his mercy." But to clear that, he ſhould have ſhown us what mercy he had ever uſed to ſuch as fell into his hands before, rather than what mercy he intended to ſuch as never could come to aſk it. Whatever mercy one man might have expected, it is too well known the whole nation found none; though they beſought it often, and ſo humbly; but had been ſwallowed up in blood and ruin, to ſet his private will above the parliament, had not his ſtrength failed him. " Yet clemency he counts a debt, which he ought to pay to thoſe that crave it; ſince we pay not any thing to God for his mercy but prayers and praiſes." By this reaſon we ought as freely to pay all things to all men; for of all that we receive from God, what do we pay for, more than prayers and praiſes? we looked for the diſcharge of his office, the payment of his duty to the kingdom, and are paid court-payment with empty ſentences that have the ſound of gravity, but the ſignificance of nothing pertinent.

Yet again after his mercy paſt and granted, he returns back to give ſentence upon Hotham; and whom he tells us he would ſo fain have ſaved alive, him he never leaves killing with a repeated condemnation, though dead long ſince. It was ill that ſomebody ſtood not near to whiſper him, that a reiterating judge is worſe than a tormentor. " He pities him, he rejoices not, he pities him" again; but ſtill is ſure to brand him at the tail of his pity with ſome ignominious mark, either of ambition or diſloyalty. And with a kind of cenſorious pity aggravates rather than leſſens or conceals the fault: to pity thus, is to triumph.

He aſſumes to foreknow, that " aftertimes will diſpute, whether Hotham were more infamous at Hull, or at Tower hill." What knew he of aftertimes, who, while he ſits judging and cenſuring without end the fate of that unhappy father and his ſon at Tower hill, knew not that the like fate attended him before his own palace gate; and as little knew whether aftertimes reſerve

not

not a greater infamy to the ſtory of his own life and reign?

He ſays but over again in his prayer what his ſermon hath preached: how acceptably to thoſe in Heaven we leave to be decided by that precept, which forbids "vain repetitions." Sure enough it lies as heavy as he can lay it upon the head of poor Hotham.

Needs he will faſten upon God a piece of revenge as done for his ſake; and takes it for a favour, before he know it was intended him: which in his cloſet had been excuſable, but in a written and publiſhed prayer too preſumptuous. Eccleſiaſtes hath a right name for ſuch kind of ſacrifices.

Going on he prays thus, "Let not thy juſtice prevent the objects and opportunities of my mercy." To folly, or to blaſphemy, or to both, ſhall we impute this? Shall the juſtice of God give place, and ſerve to glorify the mercies of a man? All other men, who know what they aſk, deſire of God, that their doings may tend to his glory; but in this prayer God is required, that his juſtice would forbear to prevent, and as good have ſaid to intrench upon the glory of a man's mercy. If God forbear his juſtice, it muſt be, ſure, to the magnifying of his own mercy: how then can any mortal man, without preſumption little leſs than impious, take the boldneſs to aſk that glory out of his hand? It may be doubted now by them who underſtand religion, whether the king were more unfortunate in this his prayer, or Hotham in thoſe his ſufferings.

IX. *Upon the liſting and raiſing Armies, &c.*

IT were an endleſs work, to walk ſide by ſide with the verboſity of this chapter; only to what already hath not been ſpoken convenient anſwer ſhall be given. He begins again with tumults; all demonſtration of the people's love and loyalty to the parliament was tumult; their petitioning, tumult; their defenſive armies were but liſted tumults; and will take no notice that thoſe about him, tho'e in a time of peace liſted into his own houſe, were the beginners of all theſe tumults; abuſing and

aſſaulting not only ſuch as came peaceably to the parliament at London, but thoſe that came petitioning to the king himſelf at York. Neither did they abſtain from doing violence and outrage to the meſſengers ſent from parliament; he himſelf either countenancing or conniving at them.

He ſuppoſes, that " his receſs gave us confidence, that he might be conquered." Other men ſuppoſe both that and all things elſe, who knew him neither by nature warlike, nor experienced, nor fortunate; ſo far was any man, that diſcerned aught, from eſteeming him unconquerable; yet ſuch are readieſt to embroil others.

" But he had a ſoul invincible." What praiſe is that? the ſtomach of a child is ofttimes invincible to all correction. The unteachable man hath a ſoul to all reaſon and good advice invincible; and he who is intractable, he whom nothing can perſuade, may boaſt himſelf invincible; whenas in ſome things to be overcome, is more honeſt and laudable than to conquer.

He labours to have it thought, that " his fearing God more than man" was the ground of his ſufferings; but he ſhould have known, that a good principle not rightly underſtood may prove as hurtful as a bad; and his fear of God may be as faulty as a blind zeal. He pretended to fear God more than the parliament, who never urged him to do otherwiſe; he ſhould alſo have feared God more than he did his courtiers, and the biſhops, who drew him, as they pleaſed, to things inconſiſtent with the fear of God. Thus boaſted Saul to have " performed the commandment of God," and ſtood in it againſt Samuel; but it was found at length, that he had feared the people more than God, in ſaving thoſe fat oxen for the worſhip of God, which were appointed for deſtruction. Not much unlike, if not much worſe, was that fact of his, who, for fear to diſpleaſe his court and mongrel clergy, with the diſſoluteſt of the people, upheld in the church of God, while his power laſted, thoſe beaſts of Amalec, the prelates, againſt the advice of his parliament and the example of all reformation; in this more inexcuſable than Saul, that Saul was at length convinced, he to the hour of death fixed in his falſe perſuaſion; and

ſoothes

ſoothes himſelf in the flattering peace of an erroneous and obdurate conſcience; ſinging to his ſoul vain pſalms of exultation, as if the parliament had aſſailed his reaſon with the force of arms, and not he on the contrary their reaſon with his arms; which hath been proved already, and ſhall be more hereafter.

He twits them with "his acts of grace;" proud, and unſelfknowing words in the mouth of any king, who affects not to be a god, and ſuch as ought to be as odious in the ears of a free nation. For if they were unjuſt acts, why did he grant them as of grace? If juſt, it was not of his grace, but of his duty and his oath to grant them.

"A glorious king he would be, though by his ſufferings:" but that can never be to him, whoſe ſufferings are his own doings. He feigns "a hard choice" put upon him, "either to kill his ſubjects, or be killed." Yet never was king leſs in danger of any violence from his ſubjects, till he unſheathed his ſword againſt them; nay long after that time, when he had ſpilt the blood of thouſands, they had ſtill his perſon in a fooliſh veneration.

He complains, "that civil war muſt be the fruits of his ſeventeen years reigning with ſuch a meaſure of juſtice, peace, plenty, and religion, as all nations either admired or envied." For the juſtice we had, let the council table, ſtar chamber, high commiſſion ſpeak the praiſe of it; not forgetting the unprincely uſage, and, as far as might be, the aboliſhing of parliaments, the diſplacing of honeſt judges, the ſale of offices, bribery and exaction, not found out to be puniſhed, but to be ſhared in with impunity for the time to come. Who can number the extortions, the oppreſſions, the public robberies and rapines committed on the ſubject both by ſea and land under various pretences? their poſſeſſions alſo taken from them, one while as foreſt-land, another while as crown-land; nor were their goods exempted, no not the bullion in the mint; piracy was become a project owned and authorized againſt the ſubject.

For the peace we had, what peace was that which drew out the Engliſh to a needleſs and diſhonourable voyage againſt the Spaniard at Cales? Or that which lent our ſhipping

ſhipping to a treacherous and antichriſtian war againſt the poor proteſtants of Rochel our ſuppliants? What peace was that which fell to rob the French by ſea, to the embarring of all our merchants in that kingdom? which brought forth that unbleſt expedition to the Iſle of Rhee, doubtful whether more calamitous in the ſucceſs or in the deſign, betraying all the flower of our military youth and beſt commanders to a ſhameful ſurpriſal and execution. This was the peace we had, and the peace we gave, whether to friends or to foes abroad. And if at home any peace were intended us, what meant thoſe Iriſh billeted ſoldiers in all parts of the kingdom, and the deſign of German horſe to ſubdue us in our peaceful houſes?

For our religion, where was there a more ignorant, profane, and vitious clergy, learned in nothing but the antiquity of their pride, their covetouſneſs, and ſuperſtition? whoſe unſincere and leavenous doctrine, corrupting the people, firſt taught them looſeneſs, then bondage; looſening them from all ſound knowledge and ſtrictneſs of life, the more to fit them for the bondage of tyranny and ſuperſtition. So that what was left us for other nations not to pity, rather than admire or envy, all thoſe ſeventeen years, no wiſe man could ſee. For wealth and plenty in a land where juſtice reigns not is no argument of a flouriſhing ſtate, but of a nearneſs rather to ruin or commotion.

Theſe were not "ſome miſcarriages" only of government, "which might eſcape," but a univerſal diſtemper, and reducement of law to arbitrary power; not through the evil counſels of "ſome men," but through the conſtant courſe and practice of all that were in higheſt favour: whoſe worſt actions frequently avowing he took upon himſelf; and what faults did not yet ſeem in public to be originally his, ſuch care he took by profeſſing, and proclaiming openly, as made them all at length his own adopted ſins. The perſons alſo, when he could no longer protect, he eſteemed and favoured to the end; but never, otherwiſe than by conſtraint, yielded any of them to due puniſhment; thereby manifeſting that what they did was by his own authority and approbation.

Yet here he aſks, "whoſe innocent blood he hath ſhed, what

what widows or orphans tears can witneſs againſt him?" After the ſuſpected poiſoning of his father, not inquired into, but ſmothered up, and him protected and advanced to the very half of his kingdom, who was accuſed in parliament to be author of the fact; (with much more evidence than duke Dudley, that falſe protector, is accuſed upon record to have poiſoned Edward the Sixth) after all his rage and perſecution, after ſo many years of cruel war on his people in three kingdoms! Whence the author of "Truths manifeſt *," a Scotſman, not unacquainted with affairs, poſitively affirms, "that there hath been more chriſtian blood ſhed by the commiſſion, approbation, and connivance of king Charles, and his father James, in the latter end of their reign, than in the ten Roman perſecutions." Not to ſpeak of thoſe many whippings, pillories, and other corporal inflictions, wherewith his reign alſo before this war was not unbloody; ſome have died in priſon under cruel reſtraint, others in baniſhment, whoſe lives were ſhortened through the rigour of that perſecution, wherewith ſo many years he infeſted the true church. And thoſe ſix members all men judged to have eſcaped no leſs than capital danger, whom he ſo greedily purſuing into the houſe of commons, had not there the forbearance to conceal how much it troubled him, "that the birds were flown." If ſome vulture in the mountains could have opened his beak intelligibly and ſpoke, what fitter words could he have uttered at the loſs of his prey? The tyrant Nero, though not yet deſerving that name, ſet his hand ſo unwillingly to the execution of a condemned perſon, as to wiſh "he had not known letters." Certainly for a king himſelf to charge his ſubjects with high treaſon, and ſo vehemently to proſecute them in his own cauſe, as to do the office of a ſearcher, argued in him no great averſation from ſhedding blood, were it but to "ſatisfy his anger,"

* The title of the treatiſe here referred to, is, Truth its Manifeſt; or, a ſhort and true Relation of divers main Paſſages of Things (in ſome whereof the Scots are particularly concerned) from the very firſt Beginning of theſe unhappy Troubles to this Day. Publiſhed in 12mo, 1645. A reply to this was publiſhed in quarto, 1646, entitled, Manifeſt Truths; or, an Inverſion of Truths manifeſt.

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and that revenge was no unpleaſing morſel to him, whereof he himſelf thought not much to be ſo diligently his own caterer. But we inſiſt rather upon what was actual, than what was probable.

He now falls to examine the cauſes of this war, as a difficulty which he had long "ſtudied" to find out. "It was not," ſaith he, "my withdrawing from Whitehall; for no account in reaſon could be given of thoſe tumults, where an orderly guard was granted." But if it be a moſt certain truth, that the parliament could never yet obtain of him any guard fit to be confided in, then by his own confeſſion ſome account of thoſe pretended tumults "may in reaſon be given;" and both concerning them and the guards enough hath been ſaid already.

"Whom did he protect againſt the juſtice of parliament?" Whom did he not to his utmoſt power? Endeavouring to have reſcued Strafford from their juſtice, though with the deſtruction of them and the city; to that end expreſsly commanding the admittance of new ſoldiers into the tower, raiſed by Suckling and other conſpirators, under pretence for the Portugal; though that ambaſſador, being ſent to, utterly denied to know of any ſuch commiſſion from his maſter. And yet that lifting continued: not to repeat his other plot of bringing up the two armies. But what can be diſputed with ſuch a king, in whoſe mouth and opinion the parliament itſelf was never but a faction, and their juſtice no juſtice, but "the dictates and overſwaying inſolence of tumults and rabbles?" and under that excuſe avouches himſelf openly the general patron of moſt notorious delinquents, and approves their flight out of the land, whoſe crimes were ſuch, as that the juſteſt and the faireſt trial would have ſooneſt condemned them to death. But did not Catiline plead in like manner againſt the Roman ſenate, and the injuſtice of their trial, and the juſtice of his flight from Rome? Cæſar alſo, then hatching tyranny, injected the ſame ſcrupulous demurs, to ſtop the ſentence of death in full and free ſenate decreed on Lentulus and Cethegus, two of Catiline's accomplices, which were renewed and urged for Strafford. He vouchſafes to the reformation,

by

by both kingdoms intended, no better name than " innovation and ruin both in church and ſtate." And what we would have learned ſo gladly of him in other paſſages before, to know wherein, he tells us now of his own accord. The expelling biſhops out of the houſe of peers, this was " ruin to the ſtate;" the " removing" them " root and branch," this was " ruin to the church."

How happy could this nation be in ſuch a governor, who counted that their ruin, which they thought their deliverance; the ruin both of church and ſtate, which was the recovery and the ſaving of them both?

To the paſſing of thoſe bills againſt biſhops how is it likely that the houſe of peers gave ſo hardly their conſent, which they gave ſo eaſily before to the attaching them of high treaſon, twelve at once, only for proteſting that the parliament could not act without them? Surely if their rights and privileges were thought ſo undoubted in that houſe, as is here maintained; then was that proteſtation, being meant and intended in the name of their whole ſpiritual order, no treaſon; and ſo that houſe itſelf will become liable to a juſt conſtruction either of injuſtice to appeach them for ſo conſenting, or of uſurpation, repreſenting none but themſelves, to expect that their voting or not voting ſhould obſtruct the commons: who not for " five repulſes of the lords," no not for fifty, were to deſiſt from what in the name of the whole kingdom they demanded, ſo long as thoſe lords were none of our lords. And for the bill againſt root and branch, though it paſſed not in both houſes till many of the lords and ſome few of the commons, either enticed away by the king, or overawed by the ſenſe of their own malignancy not prevailing, deſerted the parliament, and made a fair riddance of themſelves; that was no warrant for them who remained faithful, being far the greater number, to lay aſide that bill of root and branch, till the return of their fugitives; a bill ſo neceſſary and ſo much deſired by themſelves as well as by the people.

This was the partiality, this degrading of the biſhops, a thing ſo wholeſome in the ſtate, and ſo orthodoxal in the church both ancient and reformed; which the king rather than aſſent to " will either hazard both his own and

and the kingdom's ruin," by our juſt defence againſt his force of arms; or proſtrate our conſciences in a blind obedience to himſelf, and thoſe men, whoſe ſuperſtition, zealous or unzealous, would enforce upon us an anti-chriſtian tyranny in the church, neither primitive, apoſtolical, nor more anciently univerſal than ſome other manifeſt corruptions.

But " he was bound, beſides his judgment, by a moſt ſtrict and indiſpenſable oath, to preſerve the order and the rights of the church." If he mean that oath of his coronation, and that the letter of that oath admit not to be interpreted either by equity, reformation, or better knowledge, then was the king bound by that oath, to grant the clergy all thoſe cuſtoms, franchiſes, and canonical privileges granted to them by Edward the Confeſſor: and ſo might one day, under pretence of that oath and his conſcience, have brought us all again to popery: but had he ſo well remembered as he ought the words to which he ſwore, he might have found himſelf no otherwiſe obliged there, than " according to the laws of God, and true profeſſion of the Goſpel." For if thoſe following words, " eſtabliſhed in this kingdom," be ſet there to limit and lay preſcription on the laws of God and truth of the Goſpel by man's eſtabliſhment, nothing can be more abſurd or more injurious to religion. So that however the German emperors or other kings have levied all thoſe wars on their proteſtant ſubjects under the colour of a blind and literal obſervance to an oath, yet this king had leaſt pretence of all; both ſworn to the laws of God and evangelic truth, and diſclaiming, as we heard him before, " to be bound by any coronation oath, in a blind and brutiſh formality." Nor is it to be imagined, if what ſhall be eſtabliſhed come in queſtion, but that the parliament ſhould overſway the king, and not he the parliament. And by all law and reaſon that which the parliament will not is no more eſtabliſhed in this kingdom, neither is the king bound by oath to uphold it as a thing eſtabliſhed. And that the king (who of his princely grace, as he profeſſes, hath ſo oft aboliſhed things that ſtood firm by law, as the ſtar chamber and high commiſſion) ever thought himſelf bound by oath

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to keep them up, becauſe eſtabliſhed; he who will believe, muſt at the ſame time condemn him of as many perjuries, as he is well known to have aboliſhed both laws and juriſdictions that wanted no eſtabliſhment.

" Had he gratified," he thinks, " their antiepiſcopal faction with his conſent, and ſacrificed the church-government and revenues to the fury of their covetouſneſs, &c." an army had not been raiſed. Whereas it was the fury of his own hatred to the profeſſors of true religion, which firſt incited him to proſecute them with the ſword of war, when whips, pillories, exiles, and impriſonments were not thought ſufficient. To colour which he cannot find wherewithal, but that ſtale pretence of Charles the Vth, and other popiſh kings, that the proteſtants had only an intent to lay hands upon the church-revenues, a thing never in the thoughts of this parliament, till exhauſted by his endleſs war upon them, their neceſſity ſeized on that for the commonwealth, which the luxury of prelates had abuſed before to a common miſchief.

His conſent to the unlording of biſhops (for to that he himſelf conſented, and at Canterbury the chief ſeat of their pride, ſo God would have it!) " was from his firm perſuaſion of their contentedneſs to ſuffer a preſent diminution of their rights." Can any man, reading this, not diſcern the pure mockery of a royal conſent, to delude us only for " the preſent," meaning, it ſeems, when time ſhould ſerve, to revoke all? By this reckoning, his conſents and his denials come all to one paſs: and we may hence perceive the ſmall wiſdom and integrity of thoſe votes, which voted his conceſſions at the Iſle of Wight for grounds of a laſting peace. This he alleges, this controverſy about biſhops, " to be the true ſtate" of that difference between him and the parliament. For he held epiſcopacy " both very ſacred and divine;" with this judgment, and for this cauſe, he withdrew from the parliament, and confeſſes that ſome men knew " he was like to bring again the ſame judgment which he carried with him." A fair and unexpected juſtification from his own mouth afforded to the parliament, who, notwithſtanding what they knew of his obſtinate mind, omitted not to uſe all thoſe means and that patience to have gained him.

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As for delinquents, " he allows them to be but the neceſſary conſequences of his and their withdrawing and defending," a pretty ſhift! to mince the name of a delinquent into a neceſſary conſequent: what is a traitor, but the neceſſary conſequence of his treaſon? What a rebel, but of his rebellion? From this conceit he would infer a pretext only in the parliament " to fetch in delinquents," as if there had indeed been no ſuch cauſe, but all the delinquency in London tumults. Which is the overworn theme and ſtuffing of all his diſcourſes.

This he thrice repeats to be the true ſtate and reaſon of all that war and devaſtation in the land; and that " of all the treaties and propoſitions" offered him, he was reſolved " never to grant the aboliſhing of epiſcopal, or the eſtabliſhment of preſbyterian government." I would demand now of the Scots and covenanters (for ſo I call them, as miſobſervers of the covenant) how they will reconcile " the preſervation of religion and their liberties, and the bringing of delinquents to condign puniſhment," with the freedom, honour, and ſafety of this avowed reſolution here, that eſteems all the zeal of their proſtituted covenant no better than " a noiſe and ſhow of piety, a heat for reformation, filling them with prejudice, and obſtructing all equality and clearneſs of judgment in them." With theſe principles who knows but that at length he might have come to take the covenant, as others, whom they brotherly admit, have done before him? And then all, no doubt, had gone well, and ended in a happy peace.

His prayer is moſt of it borrowed out of David; but what if it be anſwered him as the Jews, who truſted in Moſes, were anſwered by our Saviour; " there is one that accuſeth you, even David, whom you miſapply."

He tells God, " that his enemies are many," but tells the people, when it ſerves his turn, they are but " a faction of ſome few, prevailing over the major part of both houſes."

" God knows he had no paſſion, deſign, or preparation, to embroil his kingdom in a civil war." True; for he thought his kingdom to be Iſſachar, a " ſtrong aſs that would have couched down between two burdens," the one

one of prelatical ſuperſtition; the other of civil tyranny: but what paſſion and deſign, what cloſe and open preparation he had made, to ſubdue us to both theſe by terrour and preventive force, all the nation knows.

" The confidence of ſome men had almoſt perſuaded him to ſuſpect his own innocence." As the words of ſaint Paul had almoſt perſuaded Agrippa to be a chriſtian. But almoſt, in the works of repentance, is as good as not at all.

" God," ſaith he, " will find out bloody and deceitful men, many of whom have not lived out half their days." It behoved him to have been more cautious how he tempted God's finding out of blood and deceit, till his own years had been further ſpent, or that he had enjoyed longer the fruits of his own violent counſels.

But inſtead of warineſs he adds another temptation, charging God " to know, that the chief deſign of this war was either to deſtroy his perſon, or to force his judgment." And thus his prayer, from the evil practice of unjuſt accuſing men to God, ariſes to the hideous raſhneſs of accuſing God before men, to know that for truth which all men know to be moſt falſe.

He prays, " that God would forgive the people, for they know not what they do." It is an eaſy matter to ſay over what our Saviour ſaid; but how he loved the people other arguments than affected ſayings muſt demonſtrate. He who ſo oft hath preſumed rathly to appeal to the knowledge and teſtimony of God in things ſo evidently untrue, may be doubted what belief or eſteem he had of his forgiveneſs, either to himſelf, or thoſe for whom he would * ſo feign that men ſhould hear he prayed.

X. *Upon their ſeizing the magazines, forts, &c.*

TO put the matter ſooneſt out of controverſy who was the firſt beginner of this civil war, ſince the beginning of all war may be diſcerned not only by the firſt act of hoſtility, but by the counſels and preparations foregoing, it ſhall evidently appear, that the king was ſtill

* The ſecond edition has ſo fain. To feign, is to diſſemble; but we uſe the word fain for fond deſire of a thing.

foremoſt in all theſe. No king had ever at his firſt coming to the crown more love and acclamation from a people; never any people found worſe requital of their loyalty and good affection: firſt, by his extraordinary fear and miſtruſt, that their liberties and rights were the impairing and diminiſhing of his regal power, the true original of tyranny; next, by his hatred to all thoſe who were eſteemed religious; doubting that their principles too much aſſerted liberty. This was quickly ſeen by the vehemence, and the cauſes alleged of his perſecuting, the other by his frequent and opprobrious diſſolution of parliaments; after he had demanded more money of them, and they to obtain their rights had granted him, than would have bought the Turk out of Morea, and ſet free all the Greeks. But when he ſought to extort from us, by way of tribute, that which had been offered him conditionally in parliament, as by a free people, and that thoſe extortions were now conſumed and waſted by the luxury of his court, he began then (for ſtill the more he did wrong, the more he feared) before any tumult or inſurrection of the people to take counſel how he might totally ſubdue them to his own will. Then was the deſign of German horſe, while the duke reigned; and which was worſt of all, ſome thouſands of the Iriſh papiſts were in ſeveral parts billeted upon us, while a parliament was then ſitting. The pulpits reſounded with no other doctrine than that which gave all property to the king, and paſſive obedience to the ſubject. After which, innumerable forms and ſhapes of new exactions and exactors overſpread the land: nor was it enough to be impoveriſhed, unleſs we were diſarmed. Our trained bands, which are the truſtieſt and moſt proper ſtrength of a free nation not at war with itſelf, had their arms in divers counties taken from them; other ammunition by deſign was ingroſſed and kept in the Tower, not to be bought without a licence, and at a high rate.

Thus far and many other ways were his counſels and preparations beforehand with us, either to a civil war, if it ſhould happen, or to ſubdue us without a war, which is all one, until the raiſing of his two armies againſt the Scots, and the latter of them raiſed to the moſt perfidious breaking of a ſolemn pacification: the articles whereof, though

though ſubſcribed with his own hand, he commanded ſoon after to be burned openly by the hangman. What enemy durſt have done him that diſhonour and affront, which he did therein to himſelf?

After the beginning of this parliament, whom he ſaw ſo reſolute and unanimous to relieve the commonwealth, and that the earl of Strafford was condemned to die, other of his evil counſellors impeached and impriſoned; to ſhow there wanted not evil counſel within himſelf ſufficient to begin a war upon his ſubjects, though no way by them provoked, he ſends an agent with letters to the king of Denmark, requiring aid againſt the parliament: and that aid was coming, when Divine Providence, to divert them, ſent a ſudden torrent of Swedes into the bowels of Denmark. He then endeavours to bring up both armies, firſt the Engliſh, with whom 8000 Iriſh papiſts, raiſed by Strafford, and a French army were to join; then the Scots at Newcaſtle, whom he thought to have encouraged by telling them what money and horſe he was to have from Denmark. I mention not the Iriſh conſpiracy till due place. Theſe and many other were his counſels toward a civil war. His preparations, after thoſe two armies were diſmiſſed, could not ſuddenly be too open: nevertheleſs there were 8000 Iriſh papiſts, which he refuſed to diſband, though entreated by both houſes, firſt for reaſons beſt known to himſelf, next under pretence of lending them to the Spaniard; and ſo kept them undiſbanded till very near the month wherein that rebellion broke forth. He was alſo raiſing forces in London, pretendedly to ſerve the Portugal, but with intent to ſeize the Tower; into which divers cannoneers were by him ſent with many fireworks and grenadoes; and many great battering pieces were mounted againſt the city. The court was fortified with ammunition, and ſoldiers new liſted, who followed the king from London, and appeared at Kingſton ſome hundreds of horſe in a warlike manner, with waggons of ammunition after them; the queen in Holland was buying more; of which the parliament had certain knowledge, and had not yet ſo much as demanded the militia to be ſettled, till they knew both of her going over ſea, and to what intent. For ſhe had packed up the crown jewels to have been

going long before, had not the parliament, ſuſpecting by the diſcoveries at Burrow-bridge what was intended with the jewels, uſed means to ſtay her journey till the winter. Hull and the magazine there had been ſecretly attempted under the king's hand; from whom (though in his declarations renouncing all thought of war) notes were ſent over ſea for ſupply of arms; which were no ſooner come, but the inhabitants of Yorkſhire and other counties were called to arms, and actual forces raiſed, while the parliament were yet petitioning in peace, and had not one man liſted.

As to the act of hoſtility, though not much material in whom firſt it began, or by whoſe commiſſions dated firſt, after ſuch counſels and preparations diſcovered, and ſo far advanced by the king, yet in that act alſo he will be found to have had precedency, if not at London by the aſſault of his armed court upon the naked people, and his attempt upon the houſe of commons, yet certainly at Hull, firſt by his cloſe practices on that town, next by his ſiege. Thus whether counſels, preparations, or acts of hoſtility be conſidered, it appears with evidence enough, though much more might be ſaid, that the king is truly charged to be the firſt beginner of theſe civil wars. To which may be added as a cloſe, that in the Iſle of Wight he charged it upon himſelf at the public treaty, and acquitted the parliament.

But as for the ſecuring of Hull and the public ſtores therein, and in other places, it was no "ſurpriſal of his ſtrength;" the cuſtody whereof by authority of parliament was committed into hands moſt fit and moſt reſponſible for ſuch altruſt. It were a folly beyond ridiculous, to count ourſelves a free nation, if the king, not in parliament, but in his own perſon, and againſt them, might appropriate to himſelf the ſtrength of a whole nation as his proper goods. What the laws of the land are, a parliament ſhould know beſt, having both the life and death of laws in their lawgiving power: and the law of England is, at beſt, but the reaſon of parliament. The parliament therefore, taking into their hands that whereof moſt properly they ought to have the keeping, committed no ſurpriſal. If they prevented him, that argued not at all either "his innocency or unpreparedneſs," but their timely foreſight to uſe prevention.

But what needed that? "They knew his chiefeſt arms left him were thoſe only, which the ancient chriſtians were wont to uſe againſt their perſecutors, prayers and tears." O ſacred reverence of God! reſpect and ſhame of men! whither were ye fled when theſe hypocriſies were uttered? Was the kingdom then at all that coſt of blood to remove from him none but prayers and tears? What were thoſe thouſands of blaſpheming cavaliers about him, whoſe mouths let fly oaths and curſes by the volley; were thoſe the prayers? and thoſe carouſes drunk to the confuſion of all things good or holy, did thoſe miniſter the tears? Were they prayers and tears that were lifted at York, muſtered on Heworth moor, and laid ſiege to Hull for the guard of his perſon? Were prayers and tears at ſo high a rate in Holland, that nothing could purchaſe them but the crown jewels? Yet they in Holland (ſuch word was ſent us) ſold them for guns, carabines, mortar-pieces, cannons, and other deadly inſtruments of war; which, when they came to York, were all, no doubt by the merit of ſome great ſaint, ſuddenly transformed into prayers and tears; and, being divided into regiments and brigades, were the only arms that miſchieved us in all thoſe battles and encounters.

Theſe were his chief arms, whatever we muſt call them, and yet ſuch arms as they who fought for the commonwealth have by the help of better prayers vanquiſhed and brought to nothing.

He bewails his want of the militia, "not ſo much in reference to his own protection, as the people's, whoſe many and ſore oppreſſions grieve him." Never conſidering how ill for ſeventeen years together he had protected them, and that theſe miſeries of the people are ſtill his own handwork, having ſmitten them, like a forked arrow, ſo ſore into the kingdom's ſides, as not to be drawn out and cured without the inciſion of more fleſh.

He tells us, that, "what he wants in the hand of power," he has in "the wings of faith and prayer." But they who made no reckoning of thoſe wings, while they had that power in their hands, may eaſily miſtake the wings of faith for the wings of preſumption, and ſo fall headlong.

We meet next with a compariſon, how apt let them judge

judge who have travelled to Mecca, " that the parliament have hung the majeſty of kingſhip in an airy imagination of regality, between the privileges of both houſes, like the tomb of Mahomet." He knew not that he was propheſying the death and burial of a Turkiſh tyranny, that ſpurned down thoſe laws which gave it life and being, ſo long as it endured to be a regulated monarchy.

He counts it an injury " not to have the ſole power in himſelf to help or hurt any;" and that the " militia, which he holds to be his undoubted right, ſhould be diſpoſed as the parliament thinks fit:" and yet confeſſes, that, if he had it in his actual diſpoſing, he would defend thoſe whom he calls " his good ſubjects, from thoſe men's violence and fraud, who would perſuade the world, that none but wolves are fit to be truſted with the cuſtody of the ſhepherd and his flock." Surely, if we may gueſs whom he means here, by knowing whom he hath ever moſt oppoſed in this controverſy, we may then aſſure ourſelves, that by violence and fraud he means that which the parliament hath done in ſettling the militia, and thoſe the wolves into whoſe hands it was by them intruſted; which draws a clear confeſſion from his own mouth, that if the parliament had left him ſole power of the militia, he would have uſed it to the deſtruction of them and their friends.

As for ſole power of the militia, which he claims as a right no leſs undoubted than the crown, it hath been oft enough told him, that he hath no more authority over the ſword, than over the law; over the law he hath none, either to eſtabliſh or to abrogate, to interpret or to execute, but only by his courts and in his courts, whereof the parliament is higheſt; no more therefore hath he power of the militia, which is the ſword, either to uſe or to diſpoſe, but with conſent of parliament; give him but that, and as good give him in a lump all our laws and liberties. For if the power of the ſword were any where ſeparate and undepending from the power of law, which is originally ſeated in the higheſt court, then would that power of the ſword be ſoon maſter of the law: and being at one man's diſpoſal, might, when he pleaſed, control the law; and in deriſion of our Magna Charta,

Charta, which were but weak reſiſtance againſt an armed tyrant, might abſolutely enſlave us. And not to have in ourſelves, though vaunting to be freeborn, the power of our own freedom, and the public ſafety, is a degree lower than not to have the property of our own goods. For liberty of perſon, and the right of ſelf-preſervation, is much nearer, much more natural, and more worth to all men, than the propriety of their goods and wealth. Yet ſuch power as all this did the king in open terms challenge to have over us, and brought thouſands to help him win it; ſo much more good at fighting than at underſtanding, as to perſuade themſelves, that they fought then for the ſubject's liberty.

He is contented, becauſe he knows no other remedy, to reſign this power " for his own time, but not for his ſucceſſors:" ſo diligent and careful he is, that we ſhould be ſlaves, if not to him, yet to his poſterity, and fain would leave us the legacy of another war about it. But the parliament have done well to remove that queſtion: whom, as his manner is to dignify with ſome good name or other, he calls now a " many-headed hydra of government, full of factious diſtractions, and not more eyes than mouths." Yet ſurely not more mouths, or not ſo wide, as the diſſolute rabble of all his courtiers had, both hees and ſhees, if there were any males among them.

He would prove, that to govern by parliament hath " a monſtroſity rather than perfection;" and grounds his argument upon two or three eminent abſurdities: firſt, by placing counſel in the ſenſes; next, by turning the ſenſes out of the head, and in lieu thereof placing power ſupreme above ſenſe and reaſon: which be now the greater monſtroſities? Further to diſpute what kind of government is beſt would be a long debate; it ſufficeth that his reaſons here for monarchy are found weak and inconſiderable.

He bodes much " horrour and bad influence after his eclipſe." He ſpeaks his wiſhes; but they who by weighing prudently things paſt foreſee things to come, the beſt divination, may hope rather all good ſucceſs and happineſs, by removing that darkneſs, which the miſty cloud of his prerogative made between us and a peaceful reformation,

mation, which is our true ſun-light, and not he, though he would be taken for our ſun itſelf. And wherefore ſhould we not hope to be governed more happily without a king, whenas all our miſery and trouble hath been either by a king, or by our neceſſary vindication and defence againſt him?

He would be thought "inforced to perjury," by having granted the militia, by which his oath bound him to protect the people. If he can be perjured in granting that, why doth he refuſe for no other cauſe the aboliſhing of epiſcopacy? But never was any oath ſo blind as to ſwear him to protect delinquents againſt juſtice, but to protect all the people in that order, and by thoſe hands which the parliament ſhould adviſe him to, and the protected confide in; not under the ſhow of protection to hold a violent and incommunicable ſword over us, as ready to be let fall upon our own necks, as upon our enemies; nor to make our own hands and weapons fight againſt our own liberties.

By his parting with the militia he takes to himſelf much praiſe of his "aſſurance in God's protection;" and to the parliament imputes the fear "of not daring to adventure the injuſtice of their actions upon any other way of ſafety." But wherefore came not this aſſurance of God's protection to him till the militia was wrung out of his hands? It ſhould ſeem by his holding it ſo faſt, that his own actions and intentions had no leſs of injuſtice in them, than what he charges upon others, whom he terms Chaldeans, Sabeans, and the devil himſelf. But Job uſed no ſuch militia againſt thoſe enemies, nor ſuch a magazine as was at Hull, which this king ſo contended for, and made war upon us, that he might have wherewithal to make war againſt us.

He concludes, that, "although they take all from him, yet can they not obſtruct his way to Heaven." It was no handſome occaſion, by feigning obſtructions where they are not, to tell us whither he was going: he ſhould have ſhut the door, and prayed in ſecret, not here in the high ſtreet. Private prayers in public aſk ſomething of whom they aſk not, and that ſhall be their reward.

END OF VOL. II.

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